

**From:** [Shannon Hovis](#)  
**To:** [AB953](#)  
**Subject:** FW: Proposed AB 953 Regulations to be Public Tomorrow  
**Date:** Friday, December 09, 2016 12:37:52 PM

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**From:** Andrea Guerrero [REDACTED]  
**Sent:** Friday, December 09, 2016 11:31 AM  
**To:** Shannon Hovis  
**Subject:** Re: Proposed AB 953 Regulations to be Public Tomorrow

Hi Shannon,

Congrats on getting the regs out. I will take a deeper look later today.

At a glance, I see one error on page 13. Section (7)(F)7 should state "U.S. Department of Homeland Security," which is the federal immigration enforcement agency, not USCIS.

USCIS is a component of DHS and is the application service agency; it does not handle enforcement.

ICE and CBP are the component agencies that handle enforcement.

I'm sure this was an oversight, but should be corrected.

Hope all is well.

**Andrea Guerrero, Esq.**  
**Executive Director**  
**Alliance San Diego | Alliance San Diego Mobilization Fund**  
[www.alliancesd.org](http://www.alliancesd.org)  
*619.269.1823 Office*  
*619.405.0620 Direct*

On Thu, Dec 8, 2016 at 9:21 PM, Shannon Hovis <[Shannon.Hovis@doj.ca.gov](mailto:Shannon.Hovis@doj.ca.gov)> wrote:  
Dear Board Members,

Tomorrow the proposed stop data regulations will be made public and will be posted on the AB 953 regulations website: [oag.ca.gov/ab953/regulations](http://oag.ca.gov/ab953/regulations) – which will also be accessible from the AB 953 webpage. The regulations website will also include the links to the supporting rulemaking documents and provide clear instructions to members of the public as to ways in which they can participate in the public comment process.

When the proposed regulations are posted, our office will send out a press release to announce that they have been made public. In addition to the press release, we will also be sending a notice about the proposed regulations to interested stakeholders, including many law enforcement agencies and all individuals to date who have subscribed to our AB 953 mailing list or attended and signed in at a subcommittee or full board meeting.

Once the regulations are posted, I will also send an email to all of you, which will include:

- A sample email that you may use to share the proposed regulations with your networks
- A link to the press release
- An updated outreach flyer in English & in Spanish that includes information on ways in which members of the public can participate in the public comment process

Also, I have been hoping to finalize the document that includes quotes from all members of the board on the importance of successfully implementing AB 953. Unfortunately, I still have yet to receive quotes from a few of you. If you have still not sent me a brief quote, please do so.

Let me know if you have any questions. More to come tomorrow!

Shannon

Shannon K. Hovis, MPP, MST  
*Senior Policy Advisor*  
California Department of Justice  
Office of Attorney General Kamala D. Harris  
455 Golden Gate Ave., Suite 14500  
San Francisco, CA 94102

Office [415-703-1009](tel:415-703-1009) | Mobile [REDACTED]  
[shannon.hovis@doj.ca.gov](mailto:shannon.hovis@doj.ca.gov)

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**AB953**

**From:** Stephen Richards [REDACTED]  
**Sent:** Friday, December 09, 2016 3:13 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

December 9, 2016

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Friday, December 9, 2016 - 3:12pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Stephen Richards

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

From <https://oag.ca.gov/ab953/comments>, what is "stop data?"

File



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**From:** [Robert Evans](#)  
**To:** [AB953](#)  
**Subject:** Comment  
**Date:** Saturday, December 10, 2016 10:50:40 AM

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You people think it's bad in Chicago? Wait until this idiotic law goes into effect and see how much less "interaction" there is between the officer on the street and the "citizens."

Mark my words, the crime rate will go up because of this even more than letting every crook in the state prison system out because of prop 47. Harris won't care, though, since she just got boosted to the U.S. Senate and can wash her hands of any repercussions.

Robert Evans

Jamul, California

**From:** [james miramontes](#)  
**To:** [AB953](#)  
**Subject:** Kamala D. Harris  
**Date:** Saturday, December 10, 2016 5:38:23 PM

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I am sorry for the inconvenience with the racial derogatory remarks about the color of skin about a person. I was very afraid of the black woman and she was telling me how to do my job but she was not the boss, also my wrist was touched and she was grabbing my arm out of the purse while I was checking the patrons merchandise for a illegal weapon. I did not like that so I called her a "nigger" and then she called me a "white Russian". I am very sorry for the inconvenience, please put the Labor Max Staffing building out of commission so I can receive my W2 form in January of 2017 or is it in February? I feel that I need those 2 documents so that I can complete my taxes with the EDD.

Thank you!

**AB953**

**From:** James Sing [REDACTED]  
**Sent:** Sunday, December 11, 2016 5:32 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

December 11, 2016

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Sunday, December 11, 2016 - 5:32am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: James Sing

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

These Proposed regulations will result in higher crime rates. Officers will stop making self initiated stops. The reporting requirements will substantially reduce officers presence in the community. If you enact these regulations the criminals win.

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**From:** [REDACTED]  
**To:** [AB953](#)  
**Date:** Tuesday, December 13, 2016 1:12:14 AM

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My rights have been violated 4 times because of profiling. A very expensive DUI when I was not on in or near my electric scooter.

There was no traffic accident that I was involved in and it was harassment/ on sight female brutal pat down. My electric scooter was put in to tow yard when a electric scooter is / was personal property. The insisted on arresting me and took my alcohol test three times. They said if they did not take me in on that the would take me in for verbal threat to society.

During my case in court my public defender had orders to throw me under the bus during closing arguments. This came from Her adviser who He was there and if I would had the knowledge of my rights I would had fired her and had the commits stricken out.

Another one of my long exasperating terrible life retching circumstances that I am so burden with is the Family Court system of Orange County . This pertains to a individual with lots of pull, [REDACTED] [REDACTED] . I filled a police report against Him and have complained to the California general and Harris told me my cases was a AB 953 Qualifying under the profiling act. I want to know why the report on Jan 29<sup>th</sup> does not include and repercussions to the complaint and obvious fraudulent behavior. I understand that Mr. [REDACTED] is a long straining advocate of the District . But He is out of line for what He did to me. I am not a crazed Mother asking for full custody and purposing to ban my ex as Fathers rights. Yet he walked in on our case and took over do to the fact I was making a relivate request to pull the league aid representation do to my ex being in contempt of court for one and then being denied by league aid the fallowing we before the took his case after he came to my home and harassed me. This was a man that I had to leave because of violent tendencies. I was not asking for spousal support or His bank account.

What are the repercussions my two boys have had to deal with , “ A permission slip from the court to let Him Isolated me completely and when I have tried to file several times I was turned down Mr. [REDACTED] not only changed the court filling n=umber He wrote [REDACTED] name over mine to have it appear I domestically abused Him.

I would like the State to represent me in this cause and give my Family the respect we desirve. My suffer and hardship has fallen on my Children for the Fraudulent behavior and A very large settlement would be the least and to the fair Lives of other women this never happen again!

Thank You Sherry Clarke

[REDACTED] Clarke V [REDACTED] Clarke

Changed to hide identity to

Clarke V Clarke

Sent from [Mail](#) for Windows 10

**AB953**

**From:** Kenneth Orr [REDACTED]  
**Sent:** Tuesday, December 13, 2016 9:48 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

December 13, 2016



## Comment Regarding Proposed Regulations

Submitted on Tuesday, December 13, 2016 - 9:48am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Kenneth Orr

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I believe important to any analysis of police contact is the basis used for the stop/contact to begin with in addition to race, ethnicity, and even religion, if it is obvious, such as the use of a hijab, or other visible article of faith that might cause someone to feel they are being targeted. What did the person do, or is suspected of doing that prompted the contact?

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**AB953**

**From:** Maria C. Trudeau [REDACTED]  
**Sent:** Wednesday, December 14, 2016 12:12 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

December 14, 2016



## Comment Regarding Proposed Regulations

Submitted on Wednesday, December 14, 2016 - 12:11pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Maria C. Trudeau

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I'm tired and sick of hearing so many regulations in California! Better say that everything is forbidden !!!!

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**AB953**

**From:** Sherry Clarke [REDACTED]  
**Sent:** Friday, December 16, 2016 2:50 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

December 16, 2016



## Comment Regarding Proposed Regulations

Submitted on Friday, December 16, 2016 - 2:50am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sherry Clarke

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Recently, I discovered the extent of the Discrimination that so destroyed my life and my Family. Isolated from My Children we have suffered greatly. The usage of last names CLARKE VS CLARKE with no establishment of gender reviled,

I don't believe in Court that is enough. Using the name to manipulate the appearance of filed Documents. .

After calling from a list provided by the courts and receiving no help.

Giving custody to a Father that was using Fathers Rights to continue to victimize an providing Father legal, while in He was in contempt. As a result of these action my ex isolated me Walking in on a case and assuming I was or had taken custody was obscured. I believe joint custody is the only I was told not to come back to Court until I can afforded one to reprint me. And He would not except my disclosure.

Using gender is not enough to prevent this from happing again . In a court of law using first and last name is the not enough full names so their is no room for displacement,

I believe there are many options to provide Civil and or Arbitration comfort to isolated parents that

this would be a great opportunity to awarded Parents that have been subjected to this  
Discrimination that lead to Abuse. In the discretion of the court, I feel it to be appropriate to come to  
a agreement of public funds to be distributed in according the practices of this behavior, Thank you  
Sherry Lee Deets Clarke  
File



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**From:** [John Doe](#)  
**To:** [AB953](#)  
**Subject:** This is crazy  
**Date:** Saturday, December 17, 2016 9:17:26 PM

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Slanted results from stops we can now paint a police agency as racist? I find this law crazy!

Such as, if cops stop people in East Oakland where Black, Latino and Asian population is heavy, (specifically black) and the data says most of their stops are of black people, then we get to officially slap a racist label on the oakland cops???

**AB953**

**From:** William Welsh [REDACTED]  
**Sent:** Monday, December 19, 2016 12:18 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

December 19, 2016

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Monday, December 19, 2016 - 12:17pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: William Welsh

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

On page 6 of the Notice of Proposed Rulemaking Action, it is stated:

Additional data elements that the Department of Justice has also considered based on input from stakeholders, including the RIPA Board, but which are NOT included in the proposed regulations include:

- (1) Perceived sexual orientation of individual stopped
- (2) Perceived religious orientation of individual stopped
- (3) Perceived homeless status of individual stopped
- (4) Whether the stop was officer-initiated
- (5) Whether the officer had previous contact with individual
- (6) Whether the officer inquired regarding the individual's immigration status
- (7) The number of officers present at the scene of the stop
- (8) Whether the officers were in uniform and/or in patrol cars
- (9) The number of civilians present during the stop

- (11) Age of the officer
- (12) Gender of the officer
- (13) Open narrative field for the officer to explain, in his or her own words, the reason for the stop

I strongly recommend that the following elements of the above list be included in the regulations:

- (a) Perceived homeless status of individual stopped
- (b) Whether the officer had previous contact with individual
- (c) Whether the officer inquired regarding the individual's immigration status
- (d) The number of officers present at the scene of the stop
- (e) Whether the officers were in uniform and/or in patrol cars
- (f) The number of civilians present during the stop
- (g) Open narrative field for the officer to explain, in his or her own words, the reason for the stop

The reason for these elements is that each one provides a wealth of information about whether and how police behavior changes with the context of a stop. Does the presence of other officers or civilians increase or decrease the likelihood of a stop escalating into violence (and thus danger for the officer)? Do individuals that officers remember, or who appear homeless, receive different treatment? Under what conditions do officers inquire into immigration status? And how does the officer him/herself understand the reason for the stop? These are all important and highly relevant research questions which the above data would allow California's analysts to answer.

The general reason why I have not included other elements is that I am sensitive to the additional burden created by more data collection, and I believe the ones I have selected do not impose a significant time burden. The specific reasons why I have not included 1, 2, 4, 10, 11, or 12 are as follows:

- Perceived sexual orientation and perceived religious orientation are much more ambiguous than perceived race, gender, or age. This makes them both more difficult to collect and less useful as data points.
- Reason for presence at scene of stop and Reason for stop will already tell us whether stop is officer-initiated or not.
- If the data are handled correctly, the unique identifier assigned to the officer who made the stop can already tell us the officer's race, gender and age (without revealing the officer's identity). (In fact, this also applies to The officer's years of experience as a peace officer.)

For the above reasons, I strongly recommend the inclusion of data elements (a) through (g) above. Thank you for reading my comment.

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From:  
To:

[REDACTED]



**Subject:** NOTIFICATION OF SERVICE and I need all of yall direction and/or help  
**Date:** Tuesday, December 20, 2016 7:37:49 AM

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[www.fox5dc.com/news/local-news/26889995-story](http://www.fox5dc.com/news/local-news/26889995-story) (TANGIBLE EVIDENCE FOR YOURSELF & SOME TO REPORT ON THE GROUNDS OF

THE STATE & U.S. CODE IN WHICH IS REQUIRED AND THE SAME CRIME IS STILL IN COMMISSION WITH THE PERSON BEING

OLDER) (DO THAT MAKES A PERSON A VICTIM?)

I am Mr. George Lee Odemns III, My S.S.N. is [REDACTED], Government issued ID# is [REDACTED]-Exp [REDACTED], and my FEIN is [REDACTED]. It has come to my knowledge that you are unaware of the said services. I am also reaching out to let you know about your payments due for your digital/technical goods & services you have been receiving.

Maybe a predecessor, current/retired employee, victim, servant, affiliate, partner, investor, agent and/or financier who left the said enterprise, sold or brought the said entity maybe didn't let you aware of the service you were receiving or had been receiving.

Just maybe they forgot to register the service to inform you the primary digital publishing you been receiving wasn't through your place of business initially, It is also Digitally recorded/documented, distributed, sold by you all as well.

I am also an unregistered member of the U.S. President Cabinet, member of State, member of the Mayoral Committee, member of U.S. Congress, member of U.S. Senate, member of the Council, member of the Board, member of the Foreign Investment Council, Chiefs of State and Cabinet Members of Foreign Governments on behalf of constituency.

I have been established for 36 years with some micro implanted technology that allows I to interact with your "Electronic Agents/Artificial Intelligence," to send electronic business transactions of unfixed publications in which is then converted into an official publication to the said enterprise and later used for commercial and/or financial gain for the said entity.

I have also tried to make an appointment to meet live face to face instead of through my digital work I been providing and to recover some invoices, tax forms, registrations, orders, monetary relief and physically sign off on all contracts that was formed in which became of no success and further led on by an employee of the said enterprise who was not an employed attorney of the said enterprise to go to the court of law.

I further wanted to let you know that it would constitute as a "Fundamental Breach," and several other allegations such as 17 U.S.C. 506(a)(A)(B)(C)(3)(A) and (b), 501(a) and (e), 18 U.S.C. 1581(a)(b), 1583, 1584(a)(b), 1589(a)(2)(b), 1590(a)(b), 1592(a)(1)(2)(3) & (c), 1593(a)(b)(1), 1593A, 1595(a), 2511(b)(i)(iv)(A)(B)(v)(c) (d), 29 U.S.C. 501(1)(a)(b)(c).

Depending on whom responsibility for such action the following allegation will apply are

listed as such as 18 U.S.C. 2516(1)(a)(c)(h)(p)(2), 2515, 2520(a).

If it will further help you in the process of making the right decision that the U.S. & OTHER PARTICIPANTS was given the authorization and consent to build and implant such technology for business purposes by James Earl Carter Jr. in which every U.S. President and still now today to use such technology for their gainful employment but not limited to the Executive, Legislative and Judicial Branches as a whole.

Some of my service marks are often displayed by a hand symbol such as 36, 60, 3, 30, 63, O, O3 and some are not use in that manner but displayed as a means of Intellectual Property such as G, G3, LG, Google, OG, GO!, YO!, Yubie, GLO, IIIOG, GO3 and etcetera.

I still would like to make an appointment to get this matter sort out and hopefully to continue doing business and try to provide more data protection because my email box had been hack.

I can be reach at [REDACTED] or by phone at [REDACTED].

**P.S. I just tried to file a case against several entities including U.S. and was refuse actually I didn't know how to file a case and the young**

**man by the name of [REDACTED] was at [REDACTED], over at District Court for the District of Columbia and file the case on behalf of I,**

**in which was dismissed.**

**So if I was you I would check into because I got them on my implanted technology that went back to the U.S.**

**Military, DOD, Pentagon, CIA, NSA, Freemon, FBI and even your agency. National security had been breach and I am quite sure you**

**wouldn't let Mr. Barack Hussein Obama II down and I know you are going to take care of the matter. On behalf of constituency I want them**

**terminated and I will forward this correspondence to the rest of the intelligence agencies.**

**All this Intelligence one have and can't get a damn thing done and tell the U.S. President if he can't do it then Donald J. Trump and his**

**administration will.**

**I didn't even file any case and yet they all was dismissed so the current U.S. President will continue on being a slave until this matter get**

**resolve.**

**I will be forward this to Russia, Europe, U.N. NATO and other Intelligence agencies also to show the lack of Intelligence this nation has.**

**O, I want you to also start a through investigation, because I want them and whomever you all correspond with prosecuted, Because It is**

**not with the primary Digital/Technical Publicist/Writer.**

**UNITED STATES SAID, "THEY WOULD NEVER REVEAL MY IDENTITY AND IT HAD BEEN COMPROMISE. This is your Intelligence**

**Institution logging off, I know longer want to Do business with America, So, Please cut my digital switch off!**

**I am a an unregistered member of state, member of the Presidential Cabinet, member of the U.S. Senate, member of the**

**U.S. Congress, member of the Mayoral Committee, Member of Financial Investments, Member of the board, Chief Staff and a Member of**

**Foreign Governments and etc.**

**GOD BLESS AMERICA!**

Thank You,

George Lee Odemns III



**AB953**

**From:** Keunbok Lee [REDACTED]  
**Sent:** Wednesday, December 21, 2016 4:46 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

December 21, 2016



## Comment Regarding Proposed Regulations

Submitted on Wednesday, December 21, 2016 - 4:46pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email [REDACTED]

Name: Keunbok Lee

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I really appreciate this proposal.

my suggestion is to add a short small information about whether individuals stopped is an residence in the neighborhood they were stopped or came from other neighborhood.

Thanks.

File



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**AB953**

**From:** Sergio Mendozarodriguez [REDACTED]  
**Sent:** Friday, December 30, 2016 9:20 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

December 30, 2016



## Comment Regarding Proposed Regulations

Submitted on Friday, December 30, 2016 - 9:20am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sergio Mendozarodriguez

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

The proposed regulation appears to be for law enforcement agencies only. Why is this not applicable to other government agencies like DMV. As an example DMV has repeatedly used my name to correlate it to that of a criminal, solely based on similarity of names and date of birth. I would believe if my name was "John Smith", this issue would not occur.

File



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**AB953**

**From:** liang chen [REDACTED]  
**Sent:** Tuesday, January 10, 2017 12:58 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 10, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 10, 2017 - 12:57pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: liang chen

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

This is a ridiculous law and should not be enacted in the first place. Just use your logic first please. Could the police tell the race of a speeding driver before stopping them so that the police is able to subjectively select who to stop? There is no logically justifiable ground to support the allegation and justify the intrusive public data collection despite some statistical correlations. This law will not help solve the racial bias problem instead it poses great threat in protecting individual privacy.

File



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**AB953**

**From:** rich [REDACTED]  
**Sent:** Tuesday, January 10, 2017 11:39 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 10, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 10, 2017 - 11:38pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: rich

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Please implement full enforcement of AB 953 as soon as possible.

Thank you.

File



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**From:** [Elizabeth Hess](#)  
**To:** [AB953](#)  
**Subject:** Re: Reminder: Public Hearing on AB 953 Proposed Regulations to be held Tomorrow, January 12 at CSU Los Angeles  
**Date:** Wednesday, January 11, 2017 11:40:01 PM

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I AM UNABLE TO MAKE IT BUT I AM A VICTIM OF BUTTE COUNTY JAIL PLUGGING MY PHONE INTO A COMPUTER AND THE FCC SAID THE COMMITTED CRIME AND MORE THAT LAW ENFORCEMENT OFFICER INVOLVED THEMSELF WITH USING MY CELL PHONE IS PHISING SINCE THEN MY CREDIT AS DROPPED TO HORRIBLE CREDIT I HAVE OR HAD CREDIT I NEVER KNEW I HAD AND ABOVE IT ALL I CANT EVEN ACCESS MY OWN SOCSEC FILE THROUGH SOCSEC OFFICE AND I APPLIED FOR FINGERHUT ACCOUNT STATES I HAVE A ACTIVE ACCOUNT AND MY EMAIL PASSWORDS BEEN CHANGED AND MORE AND PLUS THERE TAPPED INTO MY PHONE ILLEGALLY EASEDROPPING ON ME LISTENING IN TO MY CONVERSATIONS I CALL LIKE THE ATTORNEY GENERAL MY CALLS HANG UP AND SOMETIMES I GO TO MAKE A CALL IT TAKES OVER A MIN TO EVEN GO THROUGH EVEN THO THE TIMER ON MY PHONE SAYS IT DIALED AND YET IT HASNT MONEY MISSING OUT OF MY BANK ACCOUNT AND THE HEAD D.A. REFUSES TO SEE ME TO DO SOMETHING ABOUT THIS IM GETTING PHONE CALLS REGARDING THINGS I DONT KNOW NOTHING ABOUT AND MOST OF THESE CALLS AND CREDIT ACCOUNTS WERE ESTABLISHED AS I WAS INCARCERATED AND PHONE WAS SUPPOSE TO BE LOCKED AND SEALED BUT IT NEVER WAS cause someone from the sheriff office plugged my phone into one of there computers and i still have a open account on their computer they illegally established while i was in custody they read my texts listen in to my calls follow me where i go when is enough is enough

On Jan 11, 2017 4:39 PM, "AB953" <[AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)> wrote:

Dear Colleagues and Stakeholders:

As you know, on Friday, December 9, 2016, the California Department of Justice posted the proposed regulations for the collection of stop data that law enforcement agencies must report under California's Racial and Identity Profiling Act of 2015, Assembly Bill (AB) 953.

### **PUBLIC HEARING**

This email serves as a reminder that the Department of Justice will hold three public hearings to provide all interested persons with an opportunity to present statements or comments, either orally or in writing, with respect to the proposed regulations. Below is the schedule of public hearings. The first of these hearings will take place **tomorrow, Thursday, January 12, 2017 in Los Angeles** at the time and location specified.

**January 12, 2017**

6:00 p.m. – 8:00 p.m.

California State University, Los Angeles

Student Union Building

5154 State University Drive, Room 308 (Los Angeles Rm.)

Los Angeles, CA 90032

**January 18, 2017**

6:00 p.m. – 8:00 p.m.

Chabot Elementary School

Auditorium/Multi-Purpose Rm.

6686 Chabot Road

Oakland, CA 94618

**January 26, 2017**

2:30 p.m. – 4:30 p.m.

Downtown Business Hub

Fresno Area Hispanic Foundation

1444 Fulton Street

Fresno, CA 93721

Attached please find a map of the California State University, Los Angeles campus. The Student Union Building has been highlighted in green and outlined in red on the attached map. The closest parking garage is Structure C or Parking Lot 5. The garages are self-parking and cost \$3.00 for up to four hours.

The locations of these hearings will be wheelchair accessible. At the hearing, any person may present statements or comments orally or in writing relevant to the proposed action described in the Informative Digest. The Department of Justice requests but does not require that persons who make oral statements or comments at the hearing also submit a written copy of the comments made at the hearing.

The proposed regulations and supporting rulemaking documents are available online at: <https://oag.ca.gov/ab953/regulations>.

Should you have any questions about the upcoming public hearings or general questions about the rulemaking process, please email [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov).

Sincerely,

AB 953 Rulemaking Team

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**AB953**

**From:** Carolina Goodman [REDACTED]  
**Sent:** Monday, January 16, 2017 11:34 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 16, 2017



## Comment Regarding Proposed Regulations

Submitted on Monday, January 16, 2017 - 11:34am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Carolina Goodman

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Thank you for:

- \* holding elementary and secondary peace officers accountable
- \* making sure officers report when a frisk takes place, not just a stop
- \* requiring outcomes to be reported (cited, arrested)
- \* including gender categories (expression and identity)
- \* providing a place to include signs of mental or other disability

Please consider adding:

- \* an open field where officer could type in a reason.
- \* "other" needs an open field to explain.
- \* Allow officer to type in how long a stop lasts, rather than provide a range in multiple choice format.
- \* There was one main reason for the stop; ask officers to mark one box, not multiple boxes.

File



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We need not look far to find out what the effects or burdensome data collection practices on law enforcement officers is.

On January 1, 2017, the respected news program *60 Minutes* highlighted the recent spike in violent crime in the city of Chicago. Even while gun violence and murders surged to levels not seen in decades the number of stops and proactive police activity dropped. The conclusion reached was the lack of public and political support for legitimate police activity and the requirement to complete a lengthy report detailing the context of every stop resulted in a marked decrease in law enforcement officers doing the job they were hired and trained to do. The report can be seen at <http://www.cbsnews.com/news/60-minutes-crisis-in-chicago-gun-violence/>.

The information the proposed regulations would require we collect will be used by criminals, anti-police organizations, and the defense bar to personally identify officers and establish harmful narratives about their character based on the demographics of the people they stop. The proposed regulations would require the collection and reporting of such data even when the stops are based on information provided in the suspect description in radio calls and other non-discretionary activity. All of the information collected and submitted by law enforcement agencies will be publicly available and searchable.

Law enforcement officers hesitating to decide whether they should stop someone who has committed a crime for fear of second guessing, and at the risk of being labelled as bigoted, is not in the best interest of the public we serve. It was not the intent of the legislation to create such a situation.

I encourage the Department of Justice to reconsider the proposed regulations and rely simply on the data required in the original legislation. In light of the analysis of the data which will be collected under the law, a more informed decision can be made in the future as to the utility of collecting further data elements.

Should you have any questions or require additional information, please do not hesitate to contact me or Assistant Sheriff for Law Enforcement Services, Michael Barnett, at (858) 974-2295.

Sincerely,



William D. Gore, Sheriff

WDG:mrb



PARKER SEVER, CHIEF OF POLICE

425 N Irwin Street  
Hanford, CA 93230  
(559)585-2540

*City of* H A N F O R D  
HANFORD POLICE DEPARTMENT

January 12, 2016

TO WHOM IT MAY CONCERN:

Having reviewed the proposal to address Assembly Bill 953, I am very disappointed in the resulting outcome and the proposed implementation of it. In an effort to increase transparency and community trust this proposed legislation will have the opposite effect.

The cornerstone of community policing is proactivity, involvement and community contacts. By requiring such onerous legislation it will dissuade officers from making these contacts. Based upon the time estimated to complete this "questionnaire" and factoring in the average number of stops my officers make, 1 month and 1 week of their time on patrol per year would be spent completing these reports. This is not practical, so one of two things will happen. The officers will either stop making citizen contacts due to the work involved or they will make contacts and not report them to dispatch or utilize their body worn cameras. The second option is particularly distressing and will result in an unsafe situation for the officer and the person they are contacting.

I believe that we should even question the validity of the information being provided, so much of it is based upon perceived race, gender, disability and age. This is asking for flawed data if an officer is doing racial profiling activity this will ensure that he either fraudulently reports or makes stops based upon race to bring balance to his reporting. Even if you can show he perceived a person's race incorrectly how could you possibly hold him/her accountable for this. Perceptions can be influenced by so many different factors.

Additionally with this being public record and so much information being captured on each contact, I believe that it would not be difficult to identify individual officers and for this information to be used in litigation against them and their departments.

If we want this to be of value the information has to be accurate, relevant, timely and easy for the officer to accomplish. This shotgun effect of attempting to capture everything is doomed for failure. If your goal is for officers not to be proactive, not to engage members of the community, engage in profiling, and for every contact to be of a negative nature, you will surely accomplish this with what is being proposed.

I do not believe that this will accomplish what AB 953 intended and is beyond the scope of the legislation. When you review this item please look beyond the well-meaning intentions of these proposals and to their actual impacts. If this is left to stand it will have a dramatic impact on our ability to do our jobs, our department budgets and the relationship we have with our community.

Sincerely,

Parker Sever, Chief of Police



# California POLICE CHIEFS Association Inc.

P.O. Box 255745 Sacramento, California 95865-5745 Telephone (916) 481-8000 FAX (916) 481-8008  
E-mail: [lmcgill@californiapolicechiefs.org](mailto:lmcgill@californiapolicechiefs.org) • Website: [californiapolicechiefs.org](http://californiapolicechiefs.org)

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Executive Director  
Ex-Officio

January 19, 2017

Catherine Z. Ysrael,  
Deputy Attorney General, Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor Los Angeles, CA 90013

RE: DRAFT REGULATIONS ON AB953 RACIAL PROFILING

Dear Ms. Ysrael:

After reviewing the draft regulations for data reporting under the Racial and Identify Profiling Act of 2015 (AB953), the California Police Chiefs Association (CPCA) has significant concerns regarding the adverse impact these proposed requirements will have on public safety across the state by increasing the time officers spend reporting in lieu of policing. Our position is consistent with the concerns CPCA voiced to the Legislature and Governor prior to this bill becoming law. Now that the draft regulations have been released, it is clear the proposed requirements go beyond what is necessary to capture the intent of AB 953. As such, it is critical we fully assess the potential consequences of the proposed expansion.

From CPCA’s perspective, the Department of Justice (DOJ) did not give sufficient consideration to the potential economic and public safety impacts of these reporting requirements, which is disconcerting. The California Administrative Procedures Act requires that all major regulations must include an economic impact assessment that requires the regulations, “be based on adequate information concerning the need for, **and consequences of**, proposed governmental action.” (CA GOV Code Section 11345.3 (a)(1)). However, in the Notice of Proposed Rulemaking Action released by the DOJ, the results of the economic impact analysis state that there will be no adverse impact on the “health and welfare of California residents, (or) worker safety.”<sup>1</sup> What this statement fails to acknowledge is the undeniable aggregate resource reduction these regulations will have on the reporting officer’s time, and on law enforcement’s availability to protect and serve. Empirical studies have shown that comparable reductions have had impacts on crime, victimization, and the economy.

It may appear that five minutes of an officer’s time to report the required data forms will not have significant impact, but considering the total number of estimated stops conducted each year, the statewide aggregate time complying with these proposed regulations cannot be discounted. The California Highway Patrol (CHP) employs

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<sup>1</sup> - <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/nopa-112916.pdf>

over 7,200 sworn officers and initiates roughly four million total public contacts per year. Since they are almost all vehicle stops, nearly every one would be reportable under these regulations. Conversely, municipal police departments employ over 37,000 officers in California, which does not include the additional 32,000 sworn and reserve sheriff officers. Even with the most conservative estimates, it is not unlikely we will see over 10 million stops reported under these regulations **each year** when AB953 is fully implemented. With such a high volume of reporting, the individual time it takes to fill out each report becomes increasingly significant.

When estimating the added reporting time from these regulations, it is critical to look beyond the time simply filling out each report, and also evaluate the total time added before an officer can clear their current incident and return to patrol. In instances that place an officer in hazardous or dangerous locations at the scene of the stop, officers will relocate to fill out the report before clearing the call and returning to patrol or responding to other pending calls for service. Current traffic or pedestrian stops without a citation that do not require any reporting may now create the need for an officer to travel to a location where they can more safely complete the reports associated with these draft regulations. Even if it only takes five minutes to fill out the report, it may likely take an additional five minutes to relocate. It is not unreasonable to then estimate a stop taking up to an additional ten minutes. During that time, the officer will not be available to respond to calls for service or continue monitoring crime, which is where the economic and public safety impacts become clear.

Using these conservative estimates – 10 million stops at 10 minutes each – we can predict the actual impact these regulations will have across the state: a total reduction of 1.7 million hours annually of officer time removed from protecting the peace. That is equivalent to the working hours of 800 full-time officers serving our communities. The loss of 800 full-time police officers, who would essentially be unavailable to deliver public safety services as a result, will unquestionably have an impact to our state. Furthermore, this does not include the added responsibility and tasks required by administrative staff to process and transmit all stop data. As a direct result of the reduction in police activity, an anticipated increase in crime and a negative economic impact can be assumed.

The RAND Corporation has done significant work researching the economic impact of crime, finding that “existing high-quality research on the costs of crime and the effectiveness of police demonstrates that public investment in police can generate substantial social returns.”<sup>2</sup> Using the RAND Corporation’s crime-cost calculation methodology – taking into account the change in police personnel, size of the department, cost of crime, and crimes per year – a staffing reduction equivalent to the annual hours of 800 officers results in an anticipated economic loss of \$40 million per year. With California already dealing with a dramatic rise in property crime – up nearly 8% in 2015, compared to a decline of 4% in the rest of the county – another ongoing adverse impact to our businesses would only further compromise California’s economic stability.

CPCA urges the DOJ to reexamine the economic impact assessment, as required by law, and include a detailed review of the likely consequences these regulations will have on businesses and the health and welfare of California residents. To ignore these potential consequences is not an option that is in the best interest of this state. Our communities deserve a full analysis of the potential impact to their safety. We fully understand the data collection minimally required by AB-953 is the law, but

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<sup>2</sup> - <http://www.rand.org/jie/justice-policy/centers/quality-policing/cost-of-crime.html>

<sup>3</sup> - [file:///C:/Users/jfeldman/Downloads/201520160AB953\\_Senate%20Public%20Safety-.pdf](file:///C:/Users/jfeldman/Downloads/201520160AB953_Senate%20Public%20Safety-.pdf)

these potential consequences need to be adequately considered before proceeding any further with the development of these regulations. In addition, there must be a resistance to including any additional data fields in the draft regulations that do not further the intent of AB953, as well as a thorough review of the necessity of each proposed requirement.

According to Assemblymember Weber, the author of AB953, the intent of the legislation was to, “help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve.”<sup>3</sup> Therefore, at all instances the data must be made relevant to that regard. One primary concern with the current draft regulations is that nothing in this data reporting allows officers to identify whether they had any prior knowledge of the individual’s race or identify prior to their interaction. It is not possible to racially profile someone without discretion; this must be taken into account. Additionally, requiring law enforcement to report stops during mass evacuations and active shooter events only corrupts the data, as the emergency nature of those situations does not align with types of discretionary stops indicative of racial profiling. Finally, the legislation makes clear that individual officer identification must remain undisclosed through aggregate data published by DOJ. However, there are not similar protections regarding the release of that information through court orders or public records requests filed with the individual agency, and that should be made clear. These regulations must contain specific language that protects the identity of the officer and the unique identifier from being publicly released.

As proposed, we have grave concerns these regulations will forever alter the effectiveness of policing in California. At the aggregate level, expanding well beyond the intent of AB953 will adversely impact public safety to the detriment of our neighborhoods and business communities. As such, CPCA is asking for a thoughtful consideration of the comments entered above, and equal consideration to the concerns of all law enforcement across the state.

Respectfully,

A handwritten signature in black ink that reads "Ken CORNEY". The signature is written in a cursive style with a large, stylized "K" and "C".

Ken Corney  
President

**AB953**

**From:** jack tucker [REDACTED]  
**Sent:** Friday, January 20, 2017 10:35 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 20, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 20, 2017 - 10:34am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email [REDACTED]

Name: jack tucker

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Why are we spending taxpayer dollars and cop's time on what equates to meaningless data collection. Collecting "perceived" data will produce "perceived" results. It seems foolish that the State of California would spend the money, but will they then make public safety decisions based on this non-empirical data? I would hope not. Quite frankly, this is the type of nonsense that swung the presidential election Trump's way.

File



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**AB953**

**From:** withheld [REDACTED]  
**Sent:** Friday, January 20, 2017 1:26 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 20, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 20, 2017 - 1:26pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email [REDACTED]

Name: withheld

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.  
Liberal lawmakers continue to take steps to prevent policing. This unnecessary burden will likely prevent police officers from being proactive in our neighborhoods. it will likely deter community interaction and hurt the communities that need police involvement the most.

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**AB953**

**From:** Sherry I Clarke [REDACTED]  
**Sent:** Saturday, January 21, 2017 10:22 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 21, 2017



## Comment Regarding Proposed Regulations

Submitted on Saturday, January 21, 2017 - 10:21pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sherry I Clarke

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Identity profiling is also a problem withen are legal Head Attorney's and Districts Attorney's' Family Court. Advocates let a case be dismissed over pure identity profiling.

My proff of this matter is in the custody value. My ex attorney [REDACTED] was overdriven when i asked for the sign in sheet to legal aid. For the reasone my ex was denied then faking a domestic seen he whent back and obtained a lawyer.

Yet when [REDACTED] over herd my request he assumed (profiled me) as i was not what he thought. I never asked for full custody or support from my ex.

[REDACTED] had dismissed our judge [REDACTED] made a bullshit condemning stink and had to have his needs met by not just getting another judge to oversee the case but go and file abuse charge against me.. I just found this out.

I asked for some papers from my case and then i recived a emal they distroyed paper work of my case. I filed a police report about my [REDACTED] Not only that i had congestive heart faulier due to all this.

When iam a great mother i worked for [REDACTED] for 5 years ran a childrens stor for two raised two of

I wanted a marriage and a family but my ex was a heroin addict and I did not know. He no longer to be found today has a warrant for his arrest. This man is so abusive he isolated me all these years from my boys. I had a domestic violence case against him not for revenge but for my safety. A family court gave the ok for his domestic abuse. And everyday I hurt and I beat myself up over our system. Years have gone but my pain is so alive

This behavior is uncalled for it's something that needs to be dealt with.

I went to court seeking help and I got in return a 10 year tragedy.

Sorry about the spelling I am having a problem with my phone

Sherry Clarke. Clarke vs Clarke OC City drive Court House

PS can't the Attorney General do something about this. My son has one year less than that of high school can't I be compensated for the wretched abuse I had to endure over this system. I was done so wrong and my boys were denied a mother where is the justice for my family?

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**AB953**

**From:** Sherry I Clarke [REDACTED]  
**Sent:** Saturday, January 21, 2017 10:23 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 21, 2017



## Comment Regarding Proposed Regulations

Submitted on Saturday, January 21, 2017 - 10:23pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sherry I Clarke

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

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Yet when [REDACTED] over herd my request he assumed (profiled me) as i was not what he thought. I never asked for full custody or support from my ex.

[REDACTED] had dismissed our judge [REDACTED] made a bullshit condemning stink and had to have his needs met by not just getting another judge to oversee the case but go and file abuse charge against me.. I just found this out.

I asked for some papers from my case and then i recived a emal they distroyed paper work of my case. I filed a police report about my [REDACTED] Not only that i had congestive heart faulier due to all this.

When iam a great mother i worked for [REDACTED] for 5 years ran a childrens stor for two raised two of

I wanted a marriage and a family but my ex was a heroin addict and I did not know. He no longer to be found today has a warrant for his arrest. This man is so abusive he isolated me all these years from my boys. I had a domestic violence case against him not for revenge but for my safety. A family court gave the ok for his domestic abuse. And everyday I hurt and I beat myself up over our system. Years have gone but my pain is so alive

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Sherry Clarke. Clarke vs Clarke OC City Drive Court House

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**From:** [Tennessee, Eric](#)  
**To:** [AB953](#)  
**Subject:** AB 953 Reporting Requirements  
**Date:** Monday, January 23, 2017 6:44:27 AM

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Good morning,

I've read through the initial statement of reasons, text of proposed regulations and the minutes of subcommittee meetings posted to the AG website. I have a couple of questions that I am seeking clarification to regarding definitions.

1. GC 12525.5 (g)(1) appears to exempt our deputies who are in a custody assignment from reporting requirements. In our custodial facilities, we conduct routine security screening on all people who come to visit our inmates. The security screening consists of having everyone walk through a metal detector. If anyone triggers the metal detector, they are pulled aside, asked investigatory questions, and subject to additional screening with a hand held metal detector. Does this additional level of individualized screening trigger reporting?
2. Many times, during these same visits, our custody deputies patrol our parking lot and visiting waiting area, and often times they detain, question, search and arrest subjects for various crimes. Do these types of contacts trigger reporting requirements, despite the fact that the deputies are assigned to a custody assignment?
3. Our patrol deputies regularly go to the homes of subjects who are on probation or parole, and who are subject to warrantless search pursuant to their probation or parole. If the deputies only contact the probationer or parolee inside the home, does this trigger reporting? In this situation, is reporting only triggered when deputies detain someone other than the probationer/parolee at the home?

Thank you in advance for providing me with guidance on this issue.

Eric Tennessee

**From:** [Tennessee, Eric](#)  
**To:** [AB953](#)  
**Subject:** AB 953 Proposed Reporting Requirements  
**Date:** Monday, January 23, 2017 4:26:51 PM

---

Good afternoon,

I am writing to request clarification on several points of collection required pursuant to your Text of Proposed Regulations. Can you please clarify the following:

1. GC 12525.5(g)(1) exempts “officers in a custodial setting” from reporting requirements. Our deputy sheriffs provide security for our jails, and on visiting days, we have a number of citizens who come to the jail to visit relatives or friends. Each of those people are required to pass through a metal detector, and those who trigger the metal detector are singled out for more scrutiny. This consists of asking a few questions and subjecting them to manual metal detection with a handheld wand. Does this additional security action trigger reporting required under the proposed regulations?
2. Those same custody deputies often patrol the parking lots outside our custody facilities. Those deputies frequently initiate consensual encounters and detentions in the parking lot, and even conduct traffic enforcement stops on the road leading to our jail. Some of these contacts result in arrests. Does their definition as custodial officers exempt them from having to report any contacts?
3. We are required to report the “perceived” race and ethnicity of subjects we detain. Is this the perception when the deputy decided to make the stop or once he/she made contact with the particular individual? During most stops conducted at night, our deputies cannot determine the race of the subject until after they are stopped, because of darkness, tinted windows, etc. I did not see a choice of “unknown” under the race/ethnicity, so I’m assuming we are determining the race/ethnicity after we make contact with the subject.

Thank you in advance for your clarification and guidance on these questions.

Eric Tennessee  
Captain – Ventura County Sheriff’s Office

**AB953**

**From:** Brandon Rock [REDACTED]  
**Sent:** Tuesday, January 24, 2017 12:38 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 24, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 12:38am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Brandon Rock

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

This is unduly burdensome upon proactive patrol officers. I find that it takes much longer to complete than a stop itself, which may have resulted in a warning and taken 2 minutes. That same stop now takes several times that long and leads to a massive decrease in traffic stops. As someone who works patrol in a very busy district, this effectively ensures the number of stops I make will be cut to 1/4 the amount, due to the limited amount of time available not running calls. My amount of proactive work has been decreased by a similar amount.

File



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# ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET  
SANTA ANA, CA 92703  
714-647-7000  
WWW.OCS.D.ORG

SHERIFF-CORONER  
SANDRA HUTCHENS

## OFFICE OF THE SHERIFF

January 17, 2017

Deputy Attorney General Catherine Z. Ysrael  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

### **RE: Comments on Stop Data Collection Requirements and Proposed Regulations**

Dear Deputy Attorney General Ysrael:

Passage of AB 953 presents California law enforcement with significant new reporting requirements. As the law is implemented it will be important for all stakeholders to consider how best to carry out the new requirements in a way that best accomplishes the two stated goals of the legislature: ending racial profiling and improving the relationship between law enforcement and the communities served. In providing comments on the proposed AB 953 regulations, my hope is to provide the Department of Justice (DOJ) with constructive input that will further such worthy goals.

Following a review of the regulations I have three significant concerns: 1) the excessive amount of data being requested; 2) the inclusion of subjective data points; and 3) the impact on individual deputies. In my view it will be necessary to address each of these three concerns in order to mitigate negative impact to public safety.

#### **Excessive Data Elements**

The approved legislation lists specific sets of data that are required to be collected. It is important to understand that complying with even these minimum requirements of AB 953 will be a major adjustment for law enforcement. Most agencies have never had to collect data on every stop made by an officer. The process of training staff, building data collection systems and ensuring compliance within an agency cannot be done overnight. The proposed regulations include more than 200 possible data selection components. This is well beyond the data points that are statutorily mandated in the legislation. The reporting of such an extensive amount of data will be time consuming for officers. Projected time for completing data collection requirements on an individual stop could range from 10 to 45 minutes depending on the stop's complexity. Time spent completing paper work will diminish time spent on patrol in the community. I also have great concern that an officer's new data collection responsibilities could erode their own safety. In each stop an officer's attention must be on safety; adding these data responsibilities diverts attention from officer safety.

My recommendation to the DOJ is to modify the proposed regulations to ~~not~~ include data points required in the initial legislation. New data elements could be added in future years. The collection of data is a major change to daily patrol procedure, and law enforcement must be able to implement this change in a manner that is reasonable and manageable.

### **Subjective Data Points**

An additional concern is the subjectivity of data elements added solely through the DOJ regulations. The DOJ regulations require officers to record if the “person stopped had limited English fluency or a pronounced accent.” Absent an English proficiency exam it is impossible to ensure that each officer uses the same standard when determining whether or not a person has limited English fluency. The data standard will vary officer to officer and will certainly vary among agencies. Law enforcement time should not be spent collecting data that fails to meet basic research standards.

Similarly, DOJ requirements to record “perceived or know disability of person stopped” is impractical. There is no uniform standard for collecting this data point and therefore it does a disservice to treat such haphazard perceptions as fact.

Data elements that do not have a uniform standard should be eliminated where possible. Without a standardized collection approach such data is useless and will likely be misused. I recommend eliminating the data points discussed above.

### **Data on Individual Officers/Deputies**

The DOJ’s inclusion of an “officer’s unique identifier” and an “officer’s years of experience” pose significant concerns. As currently written there are no proper safeguards to ensure an officer’s anonymity. An officer working a specialized assignment may be easily identified when all data is analyzed. I am deeply concerned that the individualized data can be used to draw unfair conclusions about particular officers based solely on their work assignment. Once again, AB 953 does not require the collection of such data and the proposed regulation goes well beyond the original scope of the law. I urge the DOJ to reconsider this regulation.

As previously mentioned the stated goals of AB 953 are worthwhile. Elimination of racial profiling and stronger community relations is something all law enforcement agencies should strive toward. I would suggest to those engaged on these issues that we do ourselves a disservice if we overly focus on the collection of minute data points. Such goals are best achieved by outing our energies toward the following:

**Strong Hiring Practices:** Proper screening of recruits and cultivation of potential applicants can ensure that the personnel of a law enforcement agency have high integrity and are committed to the principle of “equal justice under the law.”

**Effective Training:** The changing nature of society and law enforcement requires every evolving skills. Each member of law enforcement should have the opportunity to develop and refine those skills on a regular basis. Proper training can ensure that missteps are minimal.

**Engaged Citizenry:** The citizens of any giving community have the responsibility to be engaged with their law enforcement agency, to be watchful, show support and provide constructive criticism when necessary.

Californians are better served if more of law enforcements' time, resources and treasure are spent on such initiatives. My fear with regard to the DOJ's proposed regulations is that the onerous requirements will divert us from those efforts that can truly make a difference. I strongly urge the DOJ to adopt a more reasonable approach to this legislative mandate.

Thank you for taking this comments under consideration and please do not hesitate to contact me should you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sandra Hutchens', written in a cursive style.

Sandra Hutchens  
Sheriff-Coroner



January 24, 2017

Deputy Attorney General Catherine Z. Ysrael  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

**RE: Response to Proposed Regulations For Data Collection Requirements, AB 953 (Racial and Identity Profiling Act, RIPA)**

The Riverside County Sheriff's Department has been an active participant in the development of the AB 953 regulations by the Department of Justice (DOJ), and we sincerely appreciate the opportunity to offer our thoughts. After reading the proposed regulations published by your office, we share many of the concerns regarding their extent and depth as also expressed by other large law enforcement agency leaders. They clearly reflect a lay viewpoint that underscores a deep lack of understanding of what is involved in our basic law enforcement efforts and daily police work.

It is clear from the scope of the proposed regulations that our previous efforts to modernize our own departmental systems to accommodate this new law will fall far short of the extensive data collection requirements as now proposed by the Department of Justice, when compared to what was specified in the original legislation. Compliance with these extensive guidelines will also significantly impact the time our deputies have to perform their publicly expected duties, and subsequently lower the level of service to the communities we serve - already constrained by austere budgets. As you are aware, our larger California law enforcement agencies begin collecting RIPA data in 2018 for reporting in early 2019, with smaller agencies following in subsequent years - so, implementation of AB 953 reporting is near-immediate strategically for our large agency.

Our agency's internal review indicates that it will take upwards of 15 minutes - or more - just to complete the necessary data collection for **EACH** person contacted under these proposed regulations. Since almost all of these encounters are due to proactive law enforcement efforts (vehicle stops, consensual encounters), this will create a "chilling effect" on police activity in what are already our most dangerous and crime-ridden areas. For an agency the size of the Riverside County Sheriff's Department, the average number of face-to-face contacts of this type exceed 100,000 each year. Even if the data collection process is somewhat streamlined, with a yet-to-be developed DOJ software application, these proposed regulations will reduce the number of effective law enforcement officers patrolling our communities. These proposed regulations present an administrative burden that dramatically impacts our need to proactively serve the citizens of the unincorporated county areas, our contract cities, tribal communities, and numerous school and special districts all across Riverside County.

These proposed regulations will encourage “de-policing” by law enforcement all across California, directly in the face of rising public concerns and anxiety about our state’s criminal justice system changes over the past few years due to AB 109 Realignment, Prop 47, Prop 57, rising crime, and many of our overcrowded jails and state prisons.

Activities where this reporting is required are also the ones most visible to the public we serve as we respond to and address the problems they report to us. Any reduction or delayed response to these incidents increases the risk to the public, as well as emboldens those who break our laws into thinking there is little chance of being apprehended for the crimes they commit. This reduction will also negatively impact state-sponsored grant programs, such as Office of Traffic Safety (OTS) and Alcohol Beverage Control (ABC) directed enforcement grants, which are based on “proactive” enforcement efforts to address existing safety concerns within our communities, and based on statistical data obtained from crime reports made by our local victims.

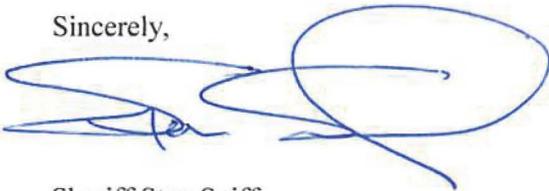
In summary, we are concerned about the following areas in these proposed DOJ regulations:

- 1) **Excessive Data Elements** - these proposed regulations go far beyond AB 953, and include some 200+ separate data elements required of our officers on each stop/detention.
- 2) **Far too much subjectivity** required of our deputies in completing the proposed reporting requirements for each of these stops/detentions.
- 3) Creates potentially **unfair profiles of our deputies** in their varied assignments.
- 4) **Creates a “chilling effect” in the conduct of legitimate police work**, potentially leading to “de-policing” by officers throughout California - all in the face of our rising crime and statewide criminal justice system challenges.
- 5) Adds greatly increased **additional and unneeded “staffing costs”** to our law enforcement agencies - without any apparent “value-added” - and in the face of already-constrained local public safety budgets and our additional policing requirements pursuant to AB 109 Realignment, Prop 47, et al.

We encourage the DOJ to reconsider these proposed regulations and return to the data collection requirements outlined in the original AB 953 legislation, without this unnecessary over-reach. Once systems have been developed and data is being collected, the impact of any additional data requirements can be far better evaluated prior to adoption without hurling ourselves into an “abyss” of uncertainty and chaos.

Should you have any questions or require additional information, please do not hesitate to contact us at (951) 955-0147.

Sincerely,



Sheriff Stan Sniff  
Riverside County

CF: California State Sheriffs’ Association (CSSA)  
Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS)  
Jay Orr, Riverside County CEO  
Supervisor John F. Tavaglione, Chairman of the Riverside County Board of Supervisors

[31] Legal Services for Prisoners with Children 1.25.17.pdf



24 January 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Email/FAX: 213-897-7605

**RE: AB 953 Regulations -- Need for open ended fields in order to meet the purpose of the law**

Dear Ms. Ysrael:

LSPC supported the passage of AB953 (Weber) because we believe it will help to eliminate the harmful and unjust practice of racial and identity profiling, and improve law enforcement transparency and accountability. However, without strong and clear reporting requirements, this law will not be as effective as it must be.

Founded in 1978, LSPC has a long history of advocating for the civil and human rights of people in prison, their loved ones, and the broader community. LSPC has years of experience working with families separated by incarceration, and with individuals who have suffered the injustices and indignities of the criminal legal system in California.

As Assemblymember Weber explained in support of AB953, "Racial and identity profiling occurs when law enforcement personnel stop, search, seize property from, or interrogate a person without evidence of criminal activity. Studies show that profiling often occurs due to unconscious biases about particular demographic identities."<sup>1</sup> The purpose of AB953 is to be able to identify the officers who are acting on racial or other biases and to retrain them in order to stop their biases from resulting in discriminatory policing in the future. If the form that officers must fill out when they make a stop does not have open fields for officers to explain their reasons for stopping or searching a person, their biases can be hidden within a check box. Using check boxes instead of open forms with thwart the purpose of AB953 by obscuring the biases this law is intended to bring to the surface.

This law is one important step toward ending the racialization of crime. Too many people of color and other minority identities are stopped by police without adequate cause and then forced to endure the humiliating and frightening experience of being treated as suspects just because of their appearance. These regulations must reflect and embody the intent and purposes on the law as passed, and in order to do that, officers must use their own words to explain why they stopped each person.

Sincerely,

Dorsey E. Nunn  
Executive Director

Eva DeLair  
Staff Attorney

<sup>1</sup> [http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201520160AB953#](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB953#) at page 6.

1640 Market St., Suite 490  
San Francisco, CA 94102

Phone: (415) 626-7049  
Fax: (415) 652-3150

[www.prisonerswithchildren.org](http://www.prisonerswithchildren.org)  
eva@prisonerswithchildren.org



January 23, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael:

I am writing you today to express concerns regarding the implementation of AB 953. I am concerned the proposed regulations implementing this law have problematic aspects which will result in unintended, negative consequences. There is no doubt that racial and/or identity profiling has no place in law enforcement, or any other aspect of life in America, however I do not believe the implementation of this legislation by some of the proposed regulations will accomplish the intent of the law and will result in a deterioration of public safety and potentially more victimization in the communities we are sworn to protect. The position that the statute is "the floor not the ceiling" contributed to the regulations being an overreach and a significant departure from legislation as passed. Following is a brief description of my concerns:

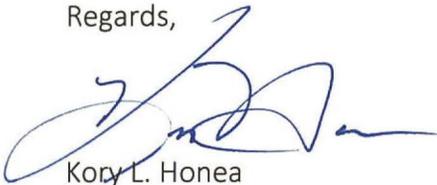
- 1) The requirement that officers/deputies report the required data from non-discretionary activities (i.e. calls for service, search warrants, arrest warrants, probation searches, etc.) will skew the data and not aid in determining if an officer/deputy is engaging in biased policing.
- 2) The requirement that officers/deputies complete a lengthy questionnaire on every person "stopped" regardless of the outcome will discourage officers/deputies from engaging in Constitutional proactive law enforcement, which in turn will have a negative impact on public safety and potentially result in an increase in crime.
- 3) The requirement that officers/deputies be issued an individual identification number which could result in them being identified is problematic for officers/deputies assigned to work in areas that are predominantly occupied by members of minority communities. Officers/deputies working in those areas would likely be concerned that the data would be used to suggest that they, as individual officers, are engaging in biased

policing given the high number of contacts with members of minority communities. That could also result in those officers being less proactive, which has a negative impact on public safety.

- 4) The inclusion of years of experience and type of assignment are other data elements which could assist in identifying specific officers/deputies in smaller agencies, again potentially resulting in a decrease of proactive policing.
- 5) The collection and documentation of the added data elements in the proposed regulations will result in increased costs and result in less discretionary time for officers/deputies. Not all agencies will be able to absorb the costs and the impact on officer/deputy time will have an impact on an agency's ability to provide other services to the community.

Thank you for taking the time to consider these concerns. My hope is that, as implementation progresses from large to smaller agencies the Department of Justice will reconsider the requirements of the proposed regulations and return to the data requirements of the statute as passed by the legislature.

Regards,

A handwritten signature in blue ink, appearing to read 'Kory L. Honea', written over a circular stamp or seal.

Kory L. Honea  
Sheriff-Coroner



COUNTY OF SAN MATEO  
OFFICE OF THE SHERIFF

CARLOS G. BOLANOS  
Sheriff 1.24.17.pdf

TRISHA L. SANCHEZ  
UNDERSHERIFF

400 COUNTY CENTER    REDWOOD CITY    CALIFORNIA 94063-1662    TELEPHONE (650) 599-1664    www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

January 24, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael:

I am writing to express my agency's concerns with the proposed regulations pursuant to California's Racial and Identity Profiling Act of 2015 (AB 953), and the potential impact these regulations will have on law enforcement. Our agency takes the matter of racial profiling very seriously and is optimistic that AB953 will continue to aid us in protecting our community in a safe and equitable manner.

It is our opinion that the proposed regulations which call for law enforcement officers to complete a lengthy questionnaire on every person stopped, regardless of the outcome, should only be applied when the circumstances of an encounter render the requirement applicable. Law enforcement officers conduct continuous contacts throughout their shift for a variety of reasons, some of which are enforcement through proactive policing, dispatched calls, community engagement, etc. Not all encounters will generate the amount of data required in CCR 999.224 (regulations), which may alter the overall collection of data.

Furthermore, we believe the proposed regulations may cause law enforcement officers to alter their practices when contacting members of the community to coincide with the collection of data, rather than the initial reason for contact. The data collection requirement set forth by CCR 999.224 will be a significant burden to law enforcement officers and will affect the manner and reasoning for their contacts. If this occurs, we risk the chance of obtaining inaccurate data.

It can only be rationalized that over time, compliance with these regulations will lead to decreased contacts, inaccurate data and ultimately, a deterioration of public safety. Moreover, these regulations will negatively affect the number of positive contacts that law enforcement officers have with the public.

With the implementation of community-oriented policing across the country, the focus of law enforcement has been on proactive policing rather than reactive. One aspect of proactive policing is encouraging officers not to wait for calls for service, but to proactively find crime. Another aspect is making contacts during community engagement events. Both of these have been proven to reduce crime while building trust within an agency's jurisdiction. By restricting our law enforcement officers with time consuming data collection requirements, we run the risk of derailing the goals of community-oriented policing.

Sincerely,

Carlos G. Bolanos  
Sheriff

Z-2016-1129-03-01526

**AB953**

**From:** Robert Thayer [REDACTED]  
**Sent:** Tuesday, January 24, 2017 3:51 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 24, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 3:50pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Robert Thayer

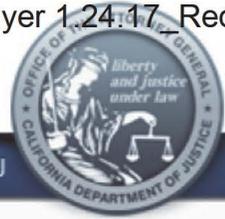
Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I have attended a presentation regarding the information the RIPA Board is suggesting our front-line law enforcement officials collect when contacting members of the public in an enforcement setting. Although their intentions are probably good, it seems the RIPA Board has overstepped the original language of the legislation and have morphed it into a challenging data collection standard that will harm public safety. I would much rather our first-responders be on the street enforcing California law rather than filling out paperwork for "data" collection that is 100% collected in a "perceived" manner from the first-responder. The original intent of collection, as described in the legislation, is sufficient enough. Future legislation should be drafted to remove the "perception" of the first-responder anyway, as that in and of itself has created profiling.

Respectfully,

Robert Thayer, Hanford

File



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## California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

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*Sheriff, Kern County*

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Sandra Hutchens  
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M. Carmen Green  
*Executive Director*

Catherine M. Coyne  
*Deputy Executive Director*

Martin J. Mayer  
*General Counsel*

Nick Warner  
*Policy Director*

Cory Salzillo  
*Legislative Director*

January 23, 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Email: AB953@doj.ca.gov

Dear Ms. Ysrael:

As the Racial and Identity Profiling Advisory (RIPA) Board continues its work to implement the stop data collection portions of Assembly Bill 953 (Chapter 466, Statutes of 2015), please consider the following the comment of the California State Sheriffs' Association (CSSA) on the pending regulations designed to implement AB 953.

### Reporting of Officer Characteristics

Law enforcement organizations representing both labor and management from around the state have expressed significant concerns about mandating the collection of length of service and duty assignment data from peace officers as part of AB 953 compliance. Though we appreciate that the regulations do NOT require the collection of the officer's age, race, and gender, the course of action laid out by the regulations will almost assuredly result in the identification of specific officers in connection with particular interactions despite the letter and spirit of AB 953's statutory requirement that badge number or other unique identifying information of the peace officer not be made public.

Simply put, identifying officers endangers them physically and exposes them to liability. And while this concern may be most acute as it relates to smaller agencies with fewer officers, it also exists for larger agencies as a particular set of demographic identifiers could identify a single officer.

Further, the specification that agencies shall redact any personally identifiable information prior to transmitting the data is likely not enough to protect this information from reaching the public. While we would argue that duty assignment and length of service could be considered "personally identifiable information," the regulation is less than clear on whether an agency could or should redact those particular data, and when and how they should redact them if appropriate. Additionally, we believe interested parties will be remain able to obtain these data via court discovery (criminal and civil), even if redacted from the reports, thereby piercing the veil of supposed anonymity.

January 23, 2017  
Page 2 ---

### **Additional Data Elements**

AB 953 requires the collection of a significant amount of data. The proposed implementing regulations seek to add numerous observations and data points to be gathered far beyond what the letter of the statute requires.

The regulations require the collection of the following observations or data points, despite the fact that the statute itself requires the collection of none of these things: the duration of a stop; the type of stop (vehicle, non-vehicle, or bicycle); whether the stop took place in a K-12 public school setting; the reason for the officer's presence at the scene of the stop; whether any of the following actions were taken by the officer at the stop: person removed from vehicle, field sobriety check, curbside detention, handcuffed, patrol car detention, use of canine in apprehension, weapon removed from holster or brandished, weapon discharged or used, and other use of force; whether the person stopped had limited English fluency or a pronounced accent; whether the person stopped had a known or perceived disability; the officer's years of experience; and the officer's type of assignment. Additionally, the regulations require all of the stop data, those both required by statute and additionally required by the regulations, to be completed and submitted to the reporting officer's agency by the end of the officer's shift.

In this regard, the regulations will necessarily increase the duration of interactions between peace officers and the public, thereby taxing law enforcement resources that have already been spread thin. Doing so also keeps peace officers from responding to other calls and conducting routine patrols while simultaneously exposing them to more risk by keeping them in potentially dangerous situations for longer periods of time (e.g. on the side of a busy roadway). The time that will be taken to comply with the gathering and reporting of these observations and data will severely impact law enforcement's capability to undertake proactive policing and will put our communities in peril.

### **Related Issues**

As noted above, AB 953 and the implementing regulations will create significant increases in workload for law enforcement agencies. In addition to the concerns we have listed regarding officer privacy and safety, as well as the drain on officer time, these additional duties will saddle local agencies with massive training and technology costs for which no funds are provided by the state. As the materials accompanying the regulations note, costs to local and state government to implement AB 953 will be no less than \$81 million in one-time costs. This does not include ongoing costs to the reporting agencies and likely does not contemplate the additional data requirements imposed by the regulations. Local law enforcement agencies will be forced to utilize the lengthy and burdensome state mandate process to attempt to recoup the massive costs imposed upon them by AB 953 and its implementing regulations.

January 23, 2017  
Page 3 ---

## Conclusion

We implore you to consider our concerns, which are based on the desire to protect officer safety and privacy and ensure economy of law enforcement resources, and reject the troublesome concepts elucidated by this letter. The requirements of AB 953 are significant and onerous, even without the augmentations currently being considered. We urge you to be cautious in adding to the overly burdensome requirements already in place. There is no place for racial bias in policing, but the collection of the additional data elements described above will only endanger officers further. Thank you for your attention to these matters.

Sincerely,



Donny Youngblood, CSSA President  
Sheriff, Kern County

DHY/cmc

cc:       The Honorable Xavier Becerra  
          The Honorable Edmund G. Brown, Jr.  
          All Members of the Racial and Identity Profiling Advisory Board  
          All Members of the California State Legislature  
          Diane Cummins, Department of Finance  
          All California Sheriffs  
          Carmen Green, CSSA Executive Director  
          Martin Mayer, CSSA General Counsel  
          Cory M. Salzillo, CSSA Legislative Director  
          Nick Warner, CSSA Policy Director  
          Usha Mutschler, CSSA Legislative Representative

**AB953**

**From:** Kim Pearson [REDACTED]  
**Sent:** Tuesday, January 24, 2017 7:42 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 24, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 7:41pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Kim Pearson

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I have attended a presentation regarding the information the RIPA Board is suggesting our front-line law enforcement officials collect when contacting members of the public in a enforcement setting. Although their intentions are probably good, it seems the RIPA Board has overstepped the original language of the legislation and have morphed it into a challenging data collection standard that will harm public safety. I would much rather our first-responders be on the street enforcing California law rather than filling out paperwork for "data" collection that is 100% collected in a "perceived" manner from the first-responder. The original intent of collection, as described in the legislation, is sufficient enough. Future legislation should be drafted to remove the "perception" of the first-responder anyway, as that in and of itself has created profiling.

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**AB953**

**From:** Kim Pearson [REDACTED]  
**Sent:** Tuesday, January 24, 2017 7:43 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 24, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 7:42pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email [REDACTED]

Name: Kim Pearson

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I have attended a presentation regarding the information the RIPA Board is suggesting our front-line law enforcement officials collect when contacting members of the public in a enforcement setting. Although their intentions are probably good, it seems the RIPA Board has overstepped the original language of the legislation and have morphed it into a challenging data collection standard that will harm public safety. I would much rather our first-responders be on the street enforcing California law rather than filling out paperwork for "data" collection that is 100% collected in a "perceived" manner from the first-responder. The original intent of collection, as described in the legislation, is sufficient enough. Future legislation should be drafted to remove the "perception" of the first-responder anyway, as that in and of itself has created profiling.

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**From:** [Davis, Kevin M@CHP](mailto:Davis, Kevin M@CHP)  
**To:** [AB953](#)  
**Cc:** [Shannon Hovis](mailto:Shannon.Hovis@CHP); [Farrow, Joe@CHP](mailto:Farrow, Joe@CHP); [Stanley, Warren A@CHP](mailto:Stanley, Warren A@CHP); [Falat, Esmeralda@CHP](mailto:Falat, Esmeralda@CHP); [Mann, James W@CHP](mailto:Mann, James W@CHP); [Epperson, James@CHP](mailto:Epperson, James@CHP)  
**Subject:** Comments on Proposed Regulations  
**Date:** Tuesday, January 24, 2017 8:25:35 PM

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On behalf of Commissioner Farrow, of the California Highway Patrol (CHP), we have reviewed the proposed regulations and respectfully request the following comments be considered as part of the AB 953 rulemaking file.

#### “Location” of Stop

Section 999.226 defines “location” of stop and requires officers to report the geographical coordinates of where a stop occurs. There are no exceptions in the proposed regulations for vehicle stops occurring on a freeway, which would be the most common location used by members of the CHP. Although very precise, the use of geographical coordinates would seemingly be of little value, given the fact the location of the stop can vary greatly from the location of a violation and where an officer makes a decision to initiate a stop. Further, in many cases, especially in a freeway environment, the demographics of the transient driving population may not correlate with the surrounding community, thus any data gleaned could be misleading. As such, it may be more appropriate to add language to permit only the notation of the city or county of a vehicle stop, especially one initiated on a freeway, rather than a specific geographical coordinate.

#### Officer Identity

The proposed regulations require agencies to create a unique identifier for each officer and to include this identifier with all stop data provided to DOJ. Each agency is required to maintain a system to match an individual officer to his or her stop data for internal agency use. In addition, officers are required to note their length of service and type of assignment. Collecting this information could lead to the identification of individual officers, especially in smaller agencies. Additionally, protecting the information could be challenging, especially when requested via a public records act request and/or discovery request. Identifying officers could compromise their safety and/or subject them to undue liability or accusations. Further, statute specifically stated the badge number, “*or other unique identifying information of the peace officer involved*” should not be released to the public. As such, it is recommended eliminating this requirement, or carefully considering how the information will be protected.

#### Time Constraints

The proposed regulations go beyond the statutory requirements contained within AB 953. The Initial Statement of Reasons (ISOR) notes the criticality of ensuring the time it takes to collect the data does not undermine a law enforcement agencies ability to promote public safety. Notwithstanding the attempt to balance public expectations without placing an undue burden on law enforcement, any expansion of statutory requirements will increase the time (and associated cost) it takes an officer

to collect data, which could have an adverse impact on public safety.

As outlined in the Notice of Proposed Rulemaking Action, requirements for an open narrative field (with the exception of including specific code violations) have been removed from the proposed regulations, which will alleviate some of the time constraints associated with the collection of data. Notwithstanding, the regulations will still require officers to expend a significant amount of time collecting data. Although the exact time it will take to complete the data collection for each stop is difficult to estimate prior to the development of a data collection system, it could be conservatively estimated that officers will expend 5-10 minutes entering data for each contact. Although the CHP is already collecting demographic data, the regulations will expand the information we currently collect, thus increasing the time spent by CHP officers as well.

To illustrate the cost associated with these requirements, every extra minute of time spent on data collection, results in the following costs for the CHP:

- Estimated number of traffic stops made by CHP per year: 2.8 million.
- 2.8 million minutes = 46,000 hours of service.

If even five minutes of time is added, this would equate to over 230,000 hours of service for which CHP officers are unavailable to serve the public and respond to calls for service. Further, when fiscal impacts were originally estimated, they did not account for any extra time spent with collecting additional data fields not required by statute. This is brought up only for illustration and discussion purposes, so the Department of Justice is aware of the implications of requiring the collection of additional data categories.

Thank you,

Captain Kevin Davis  
California Highway Patrol  
Research and Planning Section

**AB953**

**From:** Michael Strutz [REDACTED]  
**Sent:** Tuesday, January 24, 2017 9:00 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 24, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 9:00pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Michael Strutz

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I have attended a presentation regarding the information the RIPA Board is suggesting our front-line law enforcement officials collect when contacting members of the public in an enforcement setting. Although their intentions are probably good, it seems the RIPA Board has overstepped the original language of the legislation and have morphed it into a challenging data collection standard that will harm public safety. I would much rather our first-responders be on the street enforcing California law rather than filling out paperwork for "data" collection that is 100% collected in a "perceived" manner from the first-responder. The original intent of collection, as described in the legislation, is sufficient enough. Future legislation should be drafted to remove the "perception" of the first-responder anyway, as that in and of itself has created profiling.

File



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**AB953**

**From:** Peggy montgomery [REDACTED]  
**Sent:** Tuesday, January 24, 2017 9:02 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 24, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 9:02pm

Submitted by anonymous user [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Peggy montgomery

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Stop this! Too much paper work and we need police to protect us and do their job.

File



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**AB953**

**From:** Jason Lines [REDACTED]  
**Sent:** Tuesday, January 24, 2017 10:58 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 24, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 10:57pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Jason Lines

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I have read AB953. I am very concerned that requiring the first responders to collect and document all the listed information is going delay and cause additional burden to the already taxed officer. This delay and additional workload will ensure that proactivity will be reduced from an already low level. My concern is that this will create a situation very similar to what Chicago P.D. has experienced. The officers will no longer be proactive because of the time required to document each contact instead of protecting the community. I have some idea of what I am talking about as a retired Peace Officer. Today's departments are operating with manpower shortages due to the inability to find qualified candidates and fiscal shortages. Not only will AB953 overburden the Officers but the cost to the tax payers should be considered especially when taking into account the state's budget deficit.

I live in a community where proactivity has suffered due to officer shortages and increases in serious crime due to early releases from prisons and reduced sentences under prop 47 and 57. AB953 is just another burden we are placing on our officers and departments. As a citizen and retired Peace Officer I cannot stress enough how much damage AB953 will do to our community.

take between 10 to 45 minutes. All departments already have Internal Affairs and/or Civilian review boards to investigate all allegations of wrong doing by the police. Please do not turn California into Chicago. Let our men and women of Law Enforcement protect our communities.

Thank you,

Jason Lines  
File



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**AB953**

**From:** Marni Watkins [REDACTED]  
**Sent:** Tuesday, January 24, 2017 11:36 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 24, 2017



## Comment Regarding Proposed Regulations

Submitted on Tuesday, January 24, 2017 - 11:36pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Marni Watkins

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Please do not create a paperwork nightmare for our first responders. Our first responders need to be on the street, not filling out red tape paperwork. The original intent of collection, as described in the legislation, is sufficient enough. In addition, future legislation should be drafted to remove the "perception" of the first-responder, as that in and of itself has created profiling.

File



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[43] Kings County Sheriff 1.25.17.pdf

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

January 25th, 2017

Deputy Attorney General  
Catherine Z. Ysrael, Deputy Attorney General, Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor Los Angeles, CA 90013  
Phone: (213) 897-2039 Email: AB953@doj.ca.gov

RE: DRAFT REGULATIONS ON AB953 RACIAL PROFILING

I have extensively reviewed the draft regulations for data reporting under the Racial and Identity Profiling Act of 2015 Assembly Bill 953.

I would like the Attorney General to scale back the regulations to the original list as outlined in the final version of AB953. The draft regulations have morphed into more than 200 possible data selection components. The draft being proposed will cost the State of California millions and possibly more than a billion dollars to pay for staff time it will take to implement this state mandate and technology upgrades for all law enforcement agencies in the state. The projected time it will take peace officers to fill out any paper or electronic data is estimated to be anywhere from 10 to 45 minutes. The regulations also mandate the data be inputted before the end of the shift, which will cause delays in other priority reports needed for court, staff shortages and overtime, etc.

The data will be inaccurate and not reliable. It is based on fictional information on person's contacted, not factual information. I also have grave concerns that it will create an environment where one race may be unintentionally targeted at different times to "balance out the numbers". The bill was intended to identify if there is racial profiling in policing, however as it is written Peace Officers will be forced to guess at data and then try to mitigate any numerical anomalies to meet local demographic data.

Another area of concern is the identification of the officer. The draft regulations want the age of the officer, years of service range and type of assignment. In small agencies these data points will undoubtedly lead to the identification of the officer. Officer data is irrelevant in this data collection.

Please reduce the amount of data collection and limit it to what was specifically outlined in the legislation.

Respectfully Submitted,

David S. Robinson, Sheriff

**From:** [Davis, Kevin M@CHP](mailto:Davis, Kevin M@CHP)  
**To:** [AB953](#)  
**Cc:** [Shannon Hovis](mailto:Shannon.Hovis@CHP); [Farrow, Joe@CHP](mailto:Farrow, Joe@CHP); [Stanley, Warren A@CHP](mailto:Stanley, Warren A@CHP); [Falat, Esmeralda@CHP](mailto:Falat, Esmeralda@CHP); [Mann, James W@CHP](mailto:Mann, James W@CHP); [Epperson, James@CHP](mailto:Epperson, James@CHP)  
**Subject:** Comments on Proposed Regulations  
**Date:** Tuesday, January 24, 2017 8:25:35 PM

---

On behalf of Commissioner Farrow, of the California Highway Patrol (CHP), we have reviewed the proposed regulations and respectfully request the following comments be considered as part of the AB 953 rulemaking file.

#### “Location” of Stop

Section 999.226 defines “location” of stop and requires officers to report the geographical coordinates of where a stop occurs. There are no exceptions in the proposed regulations for vehicle stops occurring on a freeway, which would be the most common location used by members of the CHP. Although very precise, the use of geographical coordinates would seemingly be of little value, given the fact the location of the stop can vary greatly from the location of a violation and where an officer makes a decision to initiate a stop. Further, in many cases, especially in a freeway environment, the demographics of the transient driving population may not correlate with the surrounding community, thus any data gleaned could be misleading. As such, it may be more appropriate to add language to permit only the notation of the city or county of a vehicle stop, especially one initiated on a freeway, rather than a specific geographical coordinate.

#### Officer Identity

The proposed regulations require agencies to create a unique identifier for each officer and to include this identifier with all stop data provided to DOJ. Each agency is required to maintain a system to match an individual officer to his or her stop data for internal agency use. In addition, officers are required to note their length of service and type of assignment. Collecting this information could lead to the identification of individual officers, especially in smaller agencies. Additionally, protecting the information could be challenging, especially when requested via a public records act request and/or discovery request. Identifying officers could compromise their safety and/or subject them to undue liability or accusations. Further, statute specifically stated the badge number, “*or other unique identifying information of the peace officer involved*” should not be released to the public. As such, it is recommended eliminating this requirement, or carefully considering how the information will be protected.

#### Time Constraints

The proposed regulations go beyond the statutory requirements contained within AB 953. The Initial Statement of Reasons (ISOR) notes the criticality of ensuring the time it takes to collect the data does not undermine a law enforcement agencies ability to promote public safety. Notwithstanding the attempt to balance public expectations without placing an undue burden on law enforcement, any expansion of statutory requirements will increase the time (and associated cost) it takes an officer

to collect data, which could have an adverse impact on public safety.

As outlined in the Notice of Proposed Rulemaking Action, requirements for an open narrative field (with the exception of including specific code violations) have been removed from the proposed regulations, which will alleviate some of the time constraints associated with the collection of data. Notwithstanding, the regulations will still require officers to expend a significant amount of time collecting data. Although the exact time it will take to complete the data collection for each stop is difficult to estimate prior to the development of a data collection system, it could be conservatively estimated that officers will expend 5-10 minutes entering data for each contact. Although the CHP is already collecting demographic data, the regulations will expand the information we currently collect, thus increasing the time spent by CHP officers as well.

To illustrate the cost associated with these requirements, every extra minute of time spent on data collection, results in the following costs for the CHP:

- Estimated number of traffic stops made by CHP per year: 2.8 million.
- 2.8 million minutes = 46,000 hours of service.

If even five minutes of time is added, this would equate to over 230,000 hours of service for which CHP officers are unavailable to serve the public and respond to calls for service. Further, when fiscal impacts were originally estimated, they did not account for any extra time spent with collecting additional data fields not required by statute. This is brought up only for illustration and discussion purposes, so the Department of Justice is aware of the implications of requiring the collection of additional data categories.

Thank you,

Captain Kevin Davis  
California Highway Patrol  
Research and Planning Section



OFFICE LOCATION  
1424 Forum Drive  
Hanford, CA 93230

(559) 852-4303

**Kelly M. Zuniga**  
Chief Probation Officer

25 January 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
300 South Spring Street, First Floor  
Los Angeles, California 90013  
AB953@doj.ca.gov

RE: DRAFT REGULATIONS ON AB 953 RACIAL PROFILING

I have had opportunity to review the draft regulations for data reporting under the Racial and Identity Profiling Act of 2015, Assembly Bill 953.

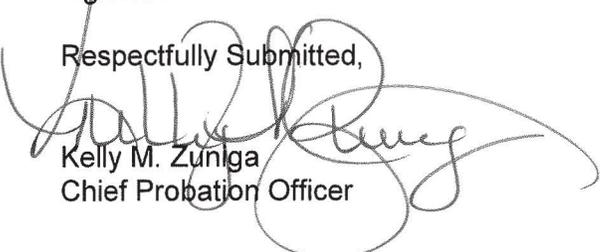
I would respectfully request the Attorney General reduce the regulations to what was outlined in the final version of AB 953. Since the final version of AB 953, the regulations have increased to more than 200 possible data selection components. The draft as proposed will cost the State of California millions of dollars to pay for the additional staff time required to meet the draft regulations and to upgrade existing technologies for law enforcement agencies across the state. The anticipated time it will take a peace officer to complete the required data points is estimated to be between 10 and 45 minutes. This is valuable time a peace officer can be actively patrolling their respective communities. Additionally, as the draft regulations require completion prior to the end of shift, this will increase an agency's overtime pay not to mention that it may cause delays in other priority reports needed for court.

The data will not be accurate and therefore not reliable, as it is based on a peace officer's perception and not facts. There are significant concerns as outlined the regulations will create an environment where one race may be unintentionally targeted so that peace officers can "balance out their contacts". The intent of the bill was to identify possible racial profiling; however, as it is written peace officers will be required to guess at data and then attempt to mitigate numerical anomalies to meet local demographic data.

The draft regulations require the age of the officer, years of service and type of assignment, particularly in small agencies this will undoubtedly lead to the identification of the officer. Officer demographics are irrelevant to the data.

Again, it is respectfully requested the regulations be limited to the information as outlined in the legislation.

Respectfully Submitted,

  
Kelly M. Zuniga  
Chief Probation Officer

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Criminology, Law and Society

School of Social Ecology  
Irvine, CA 92697-7080  
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**Via Electronic Mail**

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Re: Comments on sections §§ 999.224-999.229 of Title 11, Division 1, Chapter 19, of the California Code of Regulations (CCR) concerning California's Racial and Identity Profiling Act of 2015 (Act or AB 953)

Dear Ms. Ysrael:

I hold appointments as an Associate Professor in the Department of Criminology, Law and Society and in the Department of Economics at the University of California, Irvine. The focus of my research is on evaluating how government policies are implemented by criminal justice practitioners and estimating the causal effect of those policies on crime rates and other social outcomes. I am submitting comments on proposed regulations concerning California's Racial and Identity Profiling Act of 2015 in response to the Notice of Proposed Rulemaking Action dated December 9, 2016. The comments are my own and do not necessarily reflect the views of the University of California, Irvine.

As an initial matter, I commend the Department of Justice for proposing regulations to ensure the standardization of data collection regarding law enforcement stops of individuals. Standardization of data collection is important because it will allow independent researchers to credibly evaluate the impact of policies and practices aimed at reducing unwarranted racial disparities. Without data on police stops and searches that are measured in a consistent way across agencies and over time, there is no way to tell whether or not attempts to reduce unwarranted racial disparities are having the intended effect, or are simply imposing additional constraints on police officers.

After reading the proposed rules, I have four specific comments that I request be considered. My comments, and rational for these comments, are listed below.

- 1) The regulation should provide for a mechanism through which officer identification numbers can be made available to researchers, subject to appropriate controls to ensure confidentiality and protect individuals from harassment.

The initial statement of reasons, Section II, summary of benefits, includes the following language (emphasis added):

Importantly, if the specific information collected pursuant to the proposed regulations reveals potential disparities in the demographics of the people stopped by peace officers, how these persons are treated during stops, and the outcomes of these stops, *law enforcement agencies, the RIPA Board, researchers, and the public* can use this and other data to determine why those disparities are occurring. For example, they can explore *whether these disparities are attributed to a systemic problem or the result of stops by a small percentage of officers*; whether any part of these disparities can be explained by legitimate policing activities; and what can and should be done to address the disparities observed. Collecting stop *data will be invaluable not only to the RIPA Board, researchers, and the public*, but will also provide critical guidance to law enforcement agencies, particularly with respect to training their officers if this stop data suggests Page 3 of 41 patterns of discriminatory treatment or implicit biases.

However, Article 5. Technical Specifications and Uniform Reporting Practices 11 CCR § 999.228 section f states that

f) Data Publication. The Department will release stop data on the Department's OpenJustice website. This data will include disaggregated statistical data for each reporting agency as required under Penal Code section 13519.4, subdivision (j)(3)(E). The Department will not release the Officer's Unique Identifier to the public because doing so could lead to the disclosure of the peace officer's badge number, identity, and other unique identifying information.

I am concerned that this wording excludes the possibility that external researchers will be able to enter into a Memorandum of Understanding with the State or a Department that allows the research to have access the Officer's Unique Identifier. Without being able to identify particular officers, and follow individual officers over time, it is impossible for researchers to identify whether or not disparities are a systematic problem or the result of stops by a small percentage of officers, effectively thwarting the intended purpose of the proposed regulations. Given the importance of being able to ascertain whether particular behavior is systemic or not, and at the same time protect the privacy and safety of law enforcement officers, a distinction should be made in the proposed regulations between duly authorized researchers and the public.

I request the committee amend this section to clarify that it does not preclude external researchers from obtaining access to unique officer identifiers, with the following, or similar, language:

“Duly authorized researchers who enter into confidentiality agreements shall be permitted access to unique officer identifiers.”

## 2) Standardization of Officer Identifiers

The proposed regulation reads as follows:

### Article 4. Reporting Requirements 11 CCR § 999.227

(A) 11) Reporting agencies shall create a unique identifier for each officer required to report stops under these regulations. The officer’s unique identifier shall be included in each stop report submitted to the Department. Stop reports submitted to the Department shall not include the officer’s name or badge number; however, each reporting agency shall maintain a system to match an individual officer to his or her stop data for internal agency use.

I am concerned that the ability of reporting agencies to maintain a system of creating and tracking officer identifiers may vary across jurisdictions in ways that may hinder the analysis of data. In order to ensure that data is consistent, I suggest that the proposed regulations provide for a standardized means of uniquely identifying officers in a way that should not reveal their identities.

For example, an alphanumeric code could be created based on the hire date, initial hiring level and alphabetical order of last name at hire date, in the form: MMYYYYA#####, where MMYYYY refers to the month and year of hire, A reflects the initial hiring level (e.g. A = officer, B = Sergeant), and ##### is the alphabetical order of the officer within the cohort of people with the same value of MMYYYYA. This would create a unique identifier that can be easily linked to officer badge number with information maintained by a human resources department, but in the absence of such data would not be individually identifiable.

## 3) Collection of an “incident number” data field

Currently, agencies are required to complete one record for each person stopped. It is not clear to me that researchers will be always able to distinguish multi-person stops, where actions and outcomes are likely to be correlated, from distinct individual stops made in similar places. Including a field with an incident ID number would make this distinction clear to researchers. The National Incident Reporting System already has a means of doing so, by including a LEA case number, which should be used as a model.

## 4) Exclusion of data on stops made during programmatic searches or seizures

The exclusion of data on stops made during programmatic searches or seizures seems potentially problematic to me. Specifically, it creates a loophole whereby departments or individual officers could systematically exclude stops by declaring them to be part of a programmatic search, or the result of a “neutral” decision rule ex-post. Further, systematic disparities in who is stopped could persist if departments strategically conduct programmatic searches in areas where people in protected classes are more likely to live, work, or commute (e.g. predominantly black or Hispanic neighborhoods, or areas close to mosques). Further, it is unclear to me how it is possible to verify

that a decision rule is “neutral” with respect to individual characteristics, such as race, age, or gender identity, without information on who is actually selected for search by the rule. In some sense, monitoring the neutrality of such rules strikes me as the purpose of this regulation:

The collection of this stop data is an important first step *in identifying racial and identity profiling*. In addition to providing necessary data to inform policy recommendations for eliminating racial and identity profiling, this data will be critical to the development of additional training for peace officers that can address “*the pernicious practice of racial or identity profiling,*” *whether a result of intentional or implicit biases.* (Pen. Code, § 13519.4, subs. (d)(5), (h).) (emphasis added)

While I appreciate that such activities will generate a large number of stop reports, and will therefore create an additional administrative burden on the officers who participate in these activities, I think failure to record information on programmatic searches will dramatically limit the ability of the data to identify, or rule out, potentially problematic behavior on the part of agencies or individual officers that, regardless of intent, creates racial disparities in police-citizen contact.

Thank you for considering my comments.

Sincerely,



Emily Owens

Associate Professor  
University of California, Irvine  
Department of Criminology Law, and Society  
Department of Economics

January 25, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612

RE: Proposed AB 953 Regulations

Dear Ms. Ysrael and Ms. Radez,

On behalf of a diverse coalition of organizations that co-sponsored and supported the passage of AB 953, we submit these written comments to the Office of Attorney General (OAG) and California Department of Justice (DOJ) on the proposed regulations for the Racial and Identity Profiling Act of 2015, referred to hereinafter as AB 953.

### **Background**

The purpose of AB 953 is to collect data about interactions between individuals and law enforcement during investigations to identify and illuminate bias and to provide data necessary to develop evidence-based solutions to racial profiling and improve policing outcomes. AB 953 established the Racial and Identity Profiling Advisory (RIPA) Board that is tasked with analyzing the reported data to examine where disparities based on race and identity occur in law enforcement action, where bias plays a role and where it does not, and how bias operates; and recommending potential solutions. For the RIPA Board's ultimate data analysis to be sound, the data collected must capture a complete and accurate picture of law enforcement's investigatory interactions with the public.

An essential part of the effective implementation of AB 953 is adoption of regulations that identify all data to be reported and provide standards, definitions, and technical specifications to ensure uniform reporting. AB 953 and its effective implementation provides an opportunity to understand the full extent and breadth of disparities in policing based on perceived race and identity and will be an

important step towards eliminating discrimination in policing. Although we recognize the need to minimize the burden on peace officers in the data collection process, the regulations cannot sacrifice the accuracy and completeness of the data required to be collected. Instead, the breadth of data elements and the depth of data values must be specifically designed and mandatory open-text fields that capture necessary context must be used in order to collect sufficient data to permit the type and scope of analysis intended under the statute.

We commend the OAG and CA DOJ for the proposed regulations that reflect the discussion and public comment over the last several months before the RIPA Board, including letters sent by advocacy organizations outlining specific recommendations that have been included in the rulemaking file. However, we submit these written comments to object to certain proposed provisions and to recommend specific changes to the proposed regulations to ensure that the full promise of AB 953 is realized.

### General Recommendations

1. **Data collection for data elements “Reason for Stop” and “Basis for Search” must include mandatory open-text fields to ensure complete and accurate data collection.** Peace officers providing stop data must be allowed to provide factually specific information to explain the reason for the stop as well as other circumstances. Although numerous data elements lend themselves to defined data values, the “Reason for Stop” and “Basis for Search” are data elements where officers should be required to provide additional context for why the stop was initiated or search was conducted by completing an open-text field in addition to selecting the appropriate specifically identified data value.

An officer’s decision to conduct a stop or a search may be based on a wide variety of reasons — any reason or set of reasons that gives rise to reasonable suspicion or probable cause that criminal activity is afoot, or evidence of criminal activity will be found, under the “totality of the circumstances” analysis adopted by courts. *See, e.g., Illinois v. Gates*, 462 U.S. 213, 238 (1983). Accordingly, an open-text field is essential for an officer to briefly and accurately respond to these data elements and for the proper analysis required by the statute. This is especially true since there is no way to encompass in a drop down menu of specified data values all of the myriad reasons officers may have for suspecting criminal activity. Moreover, such specified data values will not describe the reasons for a stop or search with the detail necessary to determine if the reasons may be insufficient or themselves the product of bias.

Finally, the importance of open-text fields has been previously identified by RIPA Board member Jennifer Eberhardt, who also stated that the use of open-text fields can help identify additional specified data values that should be added to the data collection process. In addition, California Justice Information Services Division (CJIS) representatives made clear during RIPA subcommittee meetings that there are no technological barriers to the use of open-text fields as part of the data collection process.<sup>1</sup>

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<sup>1</sup> During various Technology subcommittee meetings of the RIPA Board, CJIS representatives stated that narrative fields could be incorporated into the data collection software being developed and also expressed a commitment to minimizing peace officer burden in the data collection process as well as

We object to the omission of mandatory open-text fields and recommend that the proposed regulations be revised to include a mandatory open-text field in response to the data elements of “Reason for Stop” and “Basis for Search” to ensure the collection of accurate and complete stop data as required by statute.

2. **For any data value that references “Other”, there should be a mandatory open-text field.** Similar to the above, any data element that allows an officer to select a data value of “Other” must include an open-text field that allows the officer to provide additional factual information to understand what scenarios are not covered by the specified data values. Although data collection must balance the need for efficiency with the need for completeness, officers must submit – and those analyzing the data must be provided – the necessary information and context to allow for complete and thorough analysis so appropriate responses to biased policing can be formed and implemented. In addition, the use of open-text fields will assist in identifying additional, often-used responses that should be added as specified data values.

We object to the omission of a requirement to use open-text fields and recommend that the proposed regulations be revised to include a mandatory open-text field for all data values referencing “Other”<sup>2</sup> to ensure the collection of accurate and complete stop data as required by statute.

3. **The regulations should specifically address standards for any intended trainings related to data collection to ensure uniform reporting pursuant to the statute.** The proposed regulations do not currently set forth any training standards related to the process of data collection. However, during various subcommittee meetings, several RIPA Board members referenced “trainings” as a means of ensuring consistent and uniform data reporting. Moreover, law enforcement members of the RIPA Board expressed concern related to whether officers would know how to appropriately report perceptions related to identity data fields, particularly those related to gender identity and membership in the Lesbian, Gay, Bisexual and Transgender (LGBT) community.

We strongly recommend that to the extent data collection trainings are contemplated as part of the implementation process that minimum standards be specifically established in the AB 953 regulations to ensure that officers correctly and accurately collect and report data.

### Specific Comments on Proposed Regulations

#### Article 1. Definitions, 11 CCR § 999.224.

1. **“Detention”.** The definition of “Detention” should be strengthened to guard against narrow interpretations of the term. Although section 999.224(a)(7) sufficiently defines the scope of the

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attempting to help manage costs for agencies by providing the technology CJIS is developing directly to subject agencies.

<sup>2</sup> Specifically, the following provisions permit a data value of “Other” and all should include a mandatory narrative field to provide necessary context as is already required with §999.266(a)(15)(I); §999.266(a)(4)(A)(2)(d); §999.266(a)(4)(A)(5)(g); §999.266(a)(4)(A)(7); §999.266(a)(4)(A)(10); §999.266(a)(5)(A)(2)(i); §999.266(a)(6)(A)(9); §999.266(a)(6)(B)(2)(k); §999.266(a)(6)(B)(2)(l); §999.266(a)(6)(C)(2)(l); §999.266(a)(6)(C)(2)(m); and §999.266(a)(7)(F)(8).

detention, an explanatory example may be useful to ensure that officers accurately and consistently capture reportable stop data. Specifically, an example should be added under the definition of “Detention” to clarify the scope of interactions implicated by the term, including initial questioning by officers generally perceived by individuals as interactions where they are not free to leave.

Although we do not object to the definition of “Detention”, we do strongly recommend that the proposed regulations be revised to add a clarifying example to the definition of “Detention” that reads as follows:

Example: A peace officer who inquires about an individual’s presence or activities (e.g. “What are you doing?”, “Why are you here?”, “Where are you going?”, “What is in your pocket?”, “Do you have drugs on you?”, etc.) would record the interaction pursuant to Government Code section 12525.5.

2. **“Stop”.** Section 999.224(a)(14) sets forth the definition of “Stop”, but fails to reflect the definition used in the statute. Specifically, AB 953 makes clear that a “stop” is defined as “any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, *including a consensual search, of the person’s body or property in the person’s possession or control.*” The regulations should reflect the exact language of the statute to guard against any confusion that any search – consensual or not – is subject to reporting under the statute and the regulations.

We object to the definition of “Stop” and recommend that the proposed regulations be revised so that the definition of “Stop” read as explicitly stated in the statute.

### **Article 3. Data Elements to Be Reported, 11 CCR § 999.226.**

1. **“Duration of Stop”.** Section 999.226(a)(2)(C) requires officers to provide the duration of the stop and sets forth five data values: 0-10 minutes, 11-20 minutes, 21-30 minutes, 31-60 minutes, and over 60 minutes. However, the duration of a stop is a significant data value that can distinguish between a brief stop and more significant stops. Reporting the duration of a stop in 10 minute increments loses valuable information by lumping substantially different stops into a single category. For instance, the difference between a one-minute stop and a ten-minute stop is considerable to both the individual stopped and the officer making and reporting the stop. Instead of collecting the data element of “Duration of Stop” through a limiting bracket system, simply allowing an officer to estimate the duration of the stop in minutes (as done by departments such as NYPD) requires that the officer enter one or two digits, which is no more burdensome than checking a box, and provides important information that will help evaluate the nature of stops and the types of bias that may be at play.

We object to the use of bracketed time frames for the data values responsive to the data element of “Duration of Stop” and recommend that the proposed regulations be revised so the responsive data value is simply a mandatory open-text field where officers are instructed to provide the best estimate for the duration of the stop.

2. **“Location and Type of Stop”.** Section 999.226(a)(3) requires officers to provide specific geolocation information or street address to describe the location of the stop. However, the provision does not require officers to provide a description of the location that will be essential for thorough and complete data analysis. In particular, when examining and providing solutions to bias currently embedded in policing, it is important to note when stops are occurring on sidewalks as

opposed to public transportation, at private homes as opposed to public housing complexes, or at a public park or a commercial location. Providing this necessary level of detail will allow researchers and the RIPA Board that is charged with analyzing and identifying solutions to biased policing to better understand what types of locations individuals are most frequently stopped.

We object to the omission of descriptive data values to identify the location of a stop and recommend that the proposed regulations be revised to include a data element for “Description of Location of Stop” with the following primary and secondary data values:

- Vehicle Stop
  - Public Street
  - Highway
  - Parking lot
- Pedestrian Stop
  - Public street/sidewalk
  - Public transportation/transit
  - Public housing/Section 8 housing
  - Private home/apartment
  - Public park/playground
  - Government building
  - Commercial/business location
  - On K-12 school grounds or at school perimeter
  - Community college/state college/university
  - Other

We further recommend an officer be required to complete a mandatory open-text field when selecting the “Other” data value.

3. **“Reason for Presence at Scene of Stop”**. Section 999.226(a)(4)(A) sets forth 10 primary data values in response to the data element of “Reason for Presence at Scene of Stop” and officers are required to select as many of these primary data values that may apply. Yet, several primary data values would seem more logical as secondary data values. For example, “Welfare check” and “Other community caretaking” (*see* §999.226(a)(4)(A)(6) and (7)) are listed as primary data values; however, both would be more appropriately listed as secondary data values under both “Radio calls/dispatch” and “Citizen-initiated contact”. In addition, “Witness interviews” (*see* §999.226(a)(4)(A)(3)) seems vague and subject to broad interpretation. A better data value would be “Officer-initiated investigatory activity” in order to capture witness interviews, stakeouts, drug buy and busts, and other similar activities. Finally, there is no data value that captures when an officer is at the scene due to a joint operation with another agency and a corresponding mandatory open-text field where the officer can identify the other agency.

The data values for “Reason for Presence at Scene of Stop” should be mutually exclusive and mutually exhaustive to ensure both accurate and consistent reporting and appropriate data analysis. Accordingly, we believe the current data values for “Reason for Presence at Scene of Stop” should be revised and recommend that the data values be reorganized into the following nine primary data values:

- Patrol (currently §999.266(a)(4)(A)(1))

- Radio calls/dispatch (currently §999.226(a)(4)(A)(2))
- Officer-initiated investigative activity
- Citizen-initiated contact (currently §999.266(a)(4)(A)(4))
- Warrants and programmatic operations (currently §999.266(a)(4)(A)(5))
- “K-12 public school assignment” (currently §999.266(a)(4)(A)(8))
- Civil disorder (currently §999.266(a)(4)(A)(9))
- Rally/protest
- Joint operation with another agency
- Other

We also recommend that the secondary data values for specific primary data values be revised as follows:

- Under “Patrol” the following secondary data values should be added:
  - “Foot”
  - “Vehicle”
- Under “Radio calls/dispatch” and “Citizen-initiated contact” the following secondary data elements should be added:
  - “Welfare check”
  - “Other community caretaking”

We further recommend an officer be required to complete a mandatory open-text field when selecting the “Joint operation with another agency” data value so the officer can identify the specific agency.

We further recommend that officers be allowed to select only one data value in response to “Reason for Presence at Scene of Stop” and instructed to select the data value that reflects the primary reason.

4. **“Reason for Stop”**. Section 999.226(a)(5)(A) sets forth six primary data values in response to the data element of “Reason for Stop” and officers are required to select as many data values that may apply. However, as previously stated, a mandatory open-text field should be required in addition to selecting any applicable specifically identified data values. Although requiring officers to cite the specific code section and subdivision that formed the basis for the stop (i.e. “Reasonable suspicion”, section 999.226(a)(5)(A)(2)) and basis for the probable cause to arrest (i.e. “Probable cause to arrest”, section 999.226(a)(5)(A)(3)) is advisable and should remain in the regulations, such citations are not enough to provide the necessary context and information related to a stop to ensure proper analysis of stop data.

In addition, although secondary data values are provided for some primary data values, e.g. “Reasonable suspicion” (*see* §999.226(a)(5)(A)(2)), there are no secondary data values for “Probable cause to arrest” and “Probable cause to search” (*see* §§999.226(a)(5)(A)(3) and (4), respectively). The legal standard for probable cause is fact intensive and is a higher standard than reasonable suspicion. Accordingly, it is essential to capture the factual context of any specific stop to ensure complete and accurate data collection relating to stops made on the basis of probable cause.

We object to the exclusion of certain data values in response to the “Reason for Stop” data element and recommend that the proposed regulations be revised to include the following changes to the data values for “Reason for Stop”:

- Add a mandatory open-text field to be completed in addition to selecting any applicable specifically identified data values
- Add the secondary data values identified in sections 999.266(a)(5)(A)(2)(a)-(i) as secondary data values for both “Probable cause to arrest” and “Probable cause to search”
- The primary data values should be reordered so that “Traffic violation” is not the first data value, but the fifth data value in the list

**5. Distinction between “Reason for Presence at Scene of Stop” and the “Reason for Stop”.**

Section 999.226(a)(5)(B) provides guidance distinguishing between the data elements of “Reason for Presence at Scene of Stop” and the “Reason for Stop”. Yet, the third example in this provision is erroneous and must be corrected to ensure accurate reporting of stop data. Specifically, the example establishes a scenario where an officer pulls over a vehicle for a broken taillight and the officer then observes a switchblade on the lap of the passenger. The example then states that “the ‘Reason for Stop’ of the passenger will be ‘Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation)’”.

As written, the example instructs officers to conflate two different situations, which would lead to underreporting of stops and inaccurate data collection and analysis. There are actually two reportable interactions in this scenario: one with the driver and one with the passenger. The “Reason for the Stop” for the driver would actually be “Traffic violation”, “Equipment violation” as stated in §999.226(a)(5)(A)(1)(b). The “Reason for Stop” for the passenger would be “Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation)”. To permit officers to only report the stop of the passenger is inconsistent both with the statute and the proposed regulations. The stop of the driver is a reportable stop as it does not fall within the exception found in section 999.227(c)(1)(A) because the stop was not made in conjunction with a traffic accident or emergency situation.

We object to the third example provided in section 999.226(a)(5)(B)(3) and recommend the proposed regulations be revised to edit the example to read:

Example: An officer pulls over a car for a broken taillight, and subsequently observes a switchblade in the lap of the passenger in the vehicle. The officer then asks the passenger to exit the vehicle. There are two reportable interactions under this scenario: one with the driver and one with the passenger.

- (1) The interaction with the driver is reportable with the “Reason for Presence at Scene of Stop” reported as “Patrol” and the “Reason for Stop” reported as “Traffic violation”, “Equipment violation”.
- (2) The interaction with the passenger is reportable with the “Reason for Presence at Scene of Stop” reported as “Patrol” and the “Reason for Stop” reported as “Reasonable suspicion that the person stopped was

engaged in criminal activity (other than traffic violation),” followed by selection of the Penal code section for possession of a switchblade.

6. **“Actions Taken by Officer During Stop”**. Section 999.226(a)(6)(A) requires officers to select one or more 15 primary data values and numerous secondary data values to report what happened during the course of a stop.

- “Handcuffed”, section 999.266(a)(6)(A)(4). This provision needs to be modified to clarify that any restraints, including zip ties, that are used during a stop, must be reported.

We object to this data value and recommend the proposed regulations be revised so this data value reads: “Handcuffed, zip tied or otherwise restrained”.

- “Use of canine in apprehension”, section 999.266(a)(6)(A)(6). The inclusion of “in apprehension” places an unnecessary limitation on when a canine may be used and seems to foreclose the possibility of a data value that will capture when officers may use a canine for a search, such as looking for drugs.

We object to this data value and recommend the proposed regulations be revised to delete the phrase “in apprehension” from this data value.

- “Other use of force”, section 999.266(a)(6)(A)(9). This provision needs to include an open-text field where officers can briefly describe the use of force employed during the stop.

We object to this data value and recommend the proposed regulations be revised to add a mandatory open-text field to correspond to this data value.

- The data element for “Actions Taken by Officer During Stop” does not include a data value to capture those instances where a field sobriety or drug test are conducted during the course of the stop. Such actions are significant in nature both in terms of conducting the test as well as the potential ramifications for the individual stopped based on the results of the test.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Field sobriety or drug test”.

- The data element for “Actions Taken by Officer During Stop” does not include a data value where an officer can indicate when another agency was contacted in conjunction with a stop. For instance, an officer may call a mental health agency for support during a stop or may contact the Immigration and Customs Enforcement (ICE) or Drug Enforcement Administration (DEA). Such instances are significant and there should be specified data value that allows an officer to indicate that another agency was called to the scene and the officer should be further required to use an open-text field to indicate the specific agency contacted, such as ICE or DEA.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Other agency called to scene”. This data value should also have a corresponding mandatory open-text field where the specific agency can be identified.

- The data element for “Actions Taken by Officer During Stop” does not include a data value for instances where an officer does not remove or brandish a weapon, but takes actions consistent with a threat of use or brandishing a weapon, such as unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster. Such actions are intimidating and threatening to an individual and significantly changes the nature of interaction between individuals and law enforcement, thus should be captured in the interest of accurate and comprehensive data analysis.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Unbuttoning the holster or grabbing the weapon”.

- The data element for “Actions Taken by Officer During Stop” does not include a data value related to information or documentation taken as part of the stop, including the completion of a field interview card or other documentation used for subsequent investigation.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Completion of field interview card or other investigatory documentation”.

7. **“Basis for search”.** Section 999.226(a)(6)(B)(1) requires officers to provide information related to the basis for a search. As previously stated, a mandatory open-text field should be required in addition to selecting any applicable specifically identified data values. Moreover, there should be a specific data value for “Other basis” that can be used in the event that none of the currently identified specific data values captures the basis for the search. As with any selection of a specific data value, an officer would be required to complete the open-text field to provide additional factual detail and context when selecting the “Other basis” data value.

In addition, two of the data values specifically identified may be part of an officer’s decision to search, or to do so without a warrant, but are insufficient legal basis for a search, specifically “Officer safety” and “Exigent circumstances/emergency” (*see* §999.226(a)(6)(B)(1)(b) and (l), respectively). The presence of these choices further underscores the need for an open-text field to allow officers to explain the basis for safety concerns or exigency.

We object to the omission of a mandatory open-text field in response to the “Basis for Search” data element and recommend the proposed regulations be revised to:

- Add a mandatory open-text field to be completed in addition to selecting any applicable specifically identified data values
- Add a data value of “Other basis” in response to this data element

8. **“Result of Stop.”** Section 999.226(7) requires officers to report the result of stops and specifically provides a data value for “Person taken into custody (other than for arrest)”. This data value lists multiple secondary data values, including “Referred to U.S. Citizenship and Immigration Services” (*see* §999.226(7)(F)(7)), which is misleading as drafted. Because U.S. Citizenship and Immigration Services is not an enforcement agency, a more appropriate secondary data value would reference actual immigration enforcement agencies, such as Customs and Border Protection (CBP) or ICE. Moreover, there is not a secondary data value that captures when an individual is transported to another agency that is not specifically identified.

We object to the current secondary data value identified in section 999.226(7)(F)(7) and recommend the proposed regulations be revised so that this secondary data value reads: “Referred to immigration agency (e.g. CBP, ICE, etc.)”.

We further recommend the proposed regulations be revised to add an additional secondary data value to “Result of Stop”: “Transferred/released to other agency”. This data value should also have a corresponding mandatory open-text field where the specific agency can be identified.

9. **“Perceived Gender of Person Stopped.”** Section 999.226(9) requires officers to report the perceived gender of a person stopped and sets forth generally appropriate data values. However, in the context of reporting stops related to children, which is particularly important in the school setting, the data values from this provision should also include references to “boy” and “girl”. Accordingly, the data values should be modified.

We recommend the proposed regulations be revised to change the data values found in sections 999.226(9)(A)(1)-(5) to read as follows:

- Man/Boy
- Woman/Girl
- Transgender Man/Boy
- Transgender Woman/Girl
- Gender non-conforming

10. **“Perceived Age of Person Stopped”.** Section 999.226(10) requires an officer to report the perceived age of the individual stopped and provides nine data values with bracketed age ranges. However, the age ranges reflected in these specifically identified data values do not sufficiently distinguish between substantially different age ranges. For instance, the stop of a five-year old child is significantly different than the stop of a nine-year old. Similarly, the stop of a 10-year old is different than that of a 14-year old. Officers are required to report their perception of the age of an individual stopped and officers should be provided with meaningful age ranges to distinguish between different age groups.

We object to the data values currently set forth in response to this data element and recommend that the responsive data values for “Perceived Age of Person Stopped” read as follows:

- 0-6
- 7-9
- 10-12
- 13-14
- 15-17
- 18-24
- 25-29
- 30-39
- 40-49
- 50-59
- 60 and older

11. **“Person Stopped had Limited English Fluency or Pronounced Accent”.** Section 999.226(11) requires an officer to indicate when an individual stopped has limited English fluency or a pronounced accent. Although this is an important data element, the inclusion of “pronounced accent” is confusing and may lead to the collection of data related to whether an individual has a regional U.S. accent.

We object to the inclusion of “pronounced accent” and recommend that the data element be limited to “Person Stopped had Limited English Fluency”.

12. **“Perceived or Known Disability of Person Stopped”.** Section 999.226(12) requires an officer to indicate when an individual stopped has displayed signs of one or more conditions. In addition to the specific data values offered, an additional data value related to when an individual stopped has limited use of language should be included. Such a data value is different from the English Fluency data element because it captures those instances when someone is not capable of speech or has pronounced problems in speaking.

We recommend the proposed regulations be revised to add the following data value in response to “Perceived or Known Disability of Person Stopped”: “Limited use of language”.

13. **Perceived Membership in the LGBT Community.** The proposed regulations fail to include a data element to allow collection of any data related to perceived membership in the LGBT community, despite efforts by advocacy groups to include such information. Failure to collect such information will result in the loss of significant and meaningful data related to when interactions with law enforcement may be the result of bias against a member of the LGBT community, which is distinct from bias on the basis of perceived gender identity.

We recommend the proposed regulations be revised to add a data element for “Perceived Membership in the LGBT Community” where officers may simply check a box to indicate such a perception or choose between the data values of “yes” or “no”.

14. **Race and Gender of Officer.** Although section 999.226 requires the collection of officer specific information, including an “Officer’s Unique Identifier” (*see* §999.226(13)), the proposed regulations do not require the reporting of an officer’s race and gender. For accurate and effective data analysis, it is essential to capture the race and gender of officers. Without such information, a complete data analysis related to how and why biased policing occurs will not be possible. For instance, it will be important to know whether race or gender identity impact the prevalence of racial disparities in policing. These data elements will allow for greater understanding of whether there is a correlation between disparities and various characteristics of peace officers.

We strongly object to the failure to collect race and gender identity information for officers making stops and recommend that the proposed regulations be revised to include data elements collecting officer race and gender consistent with the data values provided in sections 999.226(8) and (9). In the alternative, we recommend the proposed regulations should be revised to require that race and gender information be embedded in each officer’s unique identifier required in section 999.226(a)(13) such that the race and gender of the officer recording the stop is made available to researchers and others conducting data analysis that is required under the statute.

15. **“Officer’s Years of Experience”.** Section 999.226(a)(14) requires the reporting of officer years of experience; however, the data values available as a response are large and do not provide sufficient detail for thorough analysis.

We object to the data values currently set forth in response to this data element and recommend that the responsive data values for “Officer’s Years of Experience” read as follows:

- 0-4
- 5-9
- 10-14
- 15-19
- 20-24
- 25-29
- 30-34
- More than 34

**Article 4. Reporting Requirements, 11 CCR § 999.227.**

1. **General Reporting Requirements.** Section 999.227(a)(4) addresses a scenario when two or more reporting agencies are involved in a stop. However, this provision and the remainder of the proposed regulations appear to be silent on what occurs when a stop is conducted in conjunction with one or more non-reporting agencies.

We recommend the proposed regulations be revised to add clarifying language that officers subject to these reporting requirements are always required to report a stop, even if a stop is done in conjunction with one or more non-reporting agencies.

2. **Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions.** Section 999.227(c)(1) and (2) require officers to report interactions where additional specified actions and then references “the data values set forth in section 999.226, subdivision (a)(6)(A)”. However, the actions listed in subdivision (a)(6)(A) include a data value for “None of the above”. To ensure clarity, the reference to section 999.226 should be revised.

We recommend the proposed regulations be revised to change the references in sections 999.227(c)(1) and (2) to “subdivision (a)(6)(A)” to explicitly exclude “None of the above”, currently section 999.226(a)(6)(A)(15).

3. **Traffic control of vehicles due to a traffic accident or emergency situation.** Section 999.227(c)(1)(A) excludes from reporting requirements “[t]raffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes.” While the exclusion of traffic control in accidents or emergencies is appropriate, we are concerned that this language could be interpreted to include some traffic stops based on individualized suspicion of traffic or equipment violations if there is a justifiable public safety purpose behind enforcement – such as a stop for a broken tail-light. Because an individualized traffic stop outside a traffic accident or emergency situation may be a pretext for other enforcement, it is crucial that such stops be recorded.

We recommend that this exception be clarified to indicate that stops of particular vehicles based on individualized suspicion of suspected traffic or equipment violations must always be reported.

The undersigned signatories to these written comments commend the OAG and DOJ for incorporating feedback from community groups and organizations working with and on behalf of individuals most impacted by frequent law enforcement interactions and stops. In addition to previously submitted recommendations, we sincerely hope OAG and DOJ consider the objections and recommendations contained within this letter and revise the proposed regulations to reflect comprehensive and robust data collection that will allow both law enforcement and the public to determine when and where biased policing exists so that evidence-based and meaningful solutions may be implemented.

Sincerely,

ACLU of California  
AIDS/HIV Health Alternatives  
Alliance for Boys and Men of Color  
A New PATH (Parents for Addiction Treatment & Healing)  
Anti-Recidivism Coalition  
Asian Americans Advancing Justice – Asian Law Caucus  
Asian Americans Advancing Justice – Los Angeles  
Bend the Arc: A Jewish Partnership for Justice Southern California  
CADRE (Community Asset Development Re-defining Education)  
Center for Neighborhood Leadership, Arizona  
Central American Resource Center – LA  
Children’s Defense Fund – California  
Communities United for Restorative Youth Justice  
Community Health Councils  
Conservatives for Judicial Change  
Council on American-Islamic Relations, California Chapter (CAIR-CA)  
Dignity in Schools Campaign  
Drug Policy Alliance  
Ella Baker Center  
Equality California  
Equal Justice Society  
Faith In The Valley  
Fathers and Families of San Joaquin  
Felony Murder Elimination Project  
Flip the Script – KPFK Radio  
Healing Dialogue and Action  
L.A.U.R.A. (Life After Uncivil Ruthless Acts Crime Victims/Survivors Support Group)  
Lawyers’ Committee for Civil Rights of the San Francisco Bay Area  
Los Angeles LGBT Center  
Mariposa House  
Menlo House  
National Center for Youth Law  
National Compadre Network  
National Juvenile Justice Network  
PolicyLink  
Public Advocates

Public Counsel  
Racial Justice Now, Ohio  
Sadler Healthcare  
Santa Monica Coalition for Police Reform  
Silicon Valley De-Bug  
South Bay Packers Youth Football Organization  
S.T.O.P. Police Violence Family and Community Coalition (Los Angeles)  
Urban Peace Institute  
Western Pacific Re-Hab  
White People for Black Lives  
Wilks Law  
Youth Justice Coalition, LA

Rabbi Neil Comess-Daniels, Beth Shir Shalom  
Rabbi Morley T. Feinstein, University Synagogue and Immediate Past President, Board of Rabbis of  
Southern California

Cc: RIPA Board Members (*via* request to the Attorney General's Office)



January 26, 2017

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Re: Additional Recommendations on the Implementation of AB 953 and Collecting Data on Gender and Sexual Orientation

Dear Ms. Ysrael and Ms. Radez,

As advocates from organizations advancing the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals, we are submitting **additional** recommendations regarding the development of regulations on the implementation of Assembly Bill No. 953, the Racial and Identity Profiling Act of 2015, specifically in regards to the collection of data on the basis of gender identity and sexual orientation (currently 11 CCR Section 999.226 (9)). We continue to believe that with successful implementation, AB 953 will be an important step towards eliminating discrimination based on gender identity and sexual orientation.

Based on the release of the initial proposals for data collection regulations, as well as feedback we have heard from community advocates and members, we would like to draw your attention to an omission from the current draft regulations:

- We continue to support reporting requirements on perceived gender identity, BUT, we **continue to** advocate for a catch-all question about LGBT identity, that officers may select in addition to any other data values for gender.

We are also, given the data values in the proposed regulations regarding gender, **amending** our initially proposed regulations as follows:

- (9)(A)(1) be amended to read “Man/Boy”
- (9)(A)(2) be amended to read “Woman/Girl”
- (9)(A)(3) be amended to read “Transgender Man/Boy”
- (9)(A)(4) be amended to read “Transgender Woman/Girl”

We recommend these changes because we recognize that officers will be coming into contact with, and be reporting data about, both adults and youth. We further recommend these changes to make the terminology consistent across the four data values.

- Further, in light of the reality that persons of all genders may be gender non-conforming, we recommend that officers be instructed to, where appropriate, select one of data values (9)(A)(1-4) and also select value (9)(A)(5) when appropriate.

Additionally, while not addressed in this letter, we **re-confirm** our previous requests:

- Any data collection roll-out, must be accompanied by a robust training program for peace officers on interacting with LGBTQ communities;
- That there must be consideration of privacy protections for vulnerable LGBTQ populations; and
- The roll-out of this program shall be accompanied by outreach and education to community members about the regulations and LGBTQ Californians’ rights when interacting with law enforcement.

#### **I. Modified Recommendations on Categories of Data Collection**

AB 953 presents a rare and valuable opportunity to create a system that comprehensively tracks interactions between LGBTQ individuals and law enforcement and to determine whether certain populations are being disproportionately negatively impacted based on officer perceptions about their gender, gender nonconformity, or sexual orientation. However, after receiving community feedback and further reflection on the practicality of data collection based on perceived identity, we **still** believe that there should be two categories of data collection.

The first category should focus on perceived gender. To that end we support the current language being proposed by the commission, but with the addition of terms that encompass transgender youth and students.

#### **Question: What is your perception of the person’s gender (check one)?**

Options:

- Man/Boy
- Woman/Girl
- Transgender Man/Boy
- Transgender Woman/Girl
- Gender Non-Conforming

We **again** recommend the following change: a catch-all category of perceived membership in the LGBT community. We find that this category is especially important given that many LGBT people continue experience discrimination by law enforcement, but are not transgender.

**Question: Do you perceive this person to be LGBT?**

Options:

- Yes
- No

## **II. Reasoning Behind Changed Recommendations**

### **Data Collection Should Continue to Include Descriptors of the Transgender Data Collection Categories**

We support your determination of the five most pertinent gender perception categories. We think it is critical when listing the transgender categories that there is a brief description of what the terms mean. We support the inclusion of those in the proposed regulations (see (9)(B)(1-3)). Many law enforcement officers still struggle with these terms and this small fix will likely lead to significantly more accurate data collection.

### **Data Collection Values Should Use Terminology Inclusive of Both Adults and Youth/Juveniles, and should be Consistent Across Values**

We strongly support the use of the terms Transgender Man/Boy and Transgender Woman/Girl, as the most respectful way to refer to people who are perceived to fit those categories. Further, data values should reflect the reality that officer will come into contact with both adults and youth/juveniles, to reduce officer confusion in increase likelihood of accurate reporting.

### **Additional Data Collection on Sexual Orientation is Critical to Illuminating Policing Inequities**

While we **again** note that it is difficult to assess a person's sexual orientation as part of a stop, current data shows that law enforcement more frequently targets lesbian, gay, bisexual, and transgender people. For example, black lesbians are often profiled as gang members,<sup>1</sup> and gay men are often assumed to be sexual predators.<sup>2</sup> For these reason, we think it is necessary for there to be a category assessing officer's overall perception of whether someone may be a member of the LGBT community. While we realize that perception of gender will be collected in another category, we maintain that the question should pertain to the larger LGBT community to ensure that we are capturing people who may otherwise be missed.

Please let us know if you have any questions or would like to discuss any aspects of this letter. We look forward to serving as a resource as you develop the regulations.

Sincerely,

ACLU of California

Equality California

The Los Angeles LGBT Center

---

<sup>1</sup> Joey L. Mogul et al., *Gleeful Gay Killers, Lethal Lesbians, and Deceptive Gender Benders*, in Queer (In)Justice 20, 40 (2011).

<sup>2</sup> Id., at 23.



JOE NEVES – DISTRICT 1  
LEMOORE & STRATFORD

RICHARD VALLE – DISTRICT 2  
AVENAL, CONCORAN, HOME GARDEN  
& KETTLEMAN CITY

DOUG VERBOON – DISTRICT 3  
NORTH HANFORD, ISLAND DISTRICT  
& NORTH LEMOORE

CRAIG PEDERSEN – DISTRICT 4  
ARMONA & HANFORD

RICHARD FAGUNDES – DISTRICT 5  
HANFORD & BURRIS PARK

[49] Kings County BOS 1.26.17.pdf  
**COUNTY OF KINGS**  
**BOARD OF SUPERVISORS**

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230  
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD  
(559) 852-2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

January 25, 2017

Xavier Becerra, Attorney General  
Attn: Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

Re: Proposed Rulemaking/Draft Regulations Regarding AB953 – Racial and Identity Profiling Act of 2015; proposal to adopt sections §§ 999.224-999.229 of Title 11, Division 1, Chapter 19, of the California Code of Regulations (CCR)

Greetings:

The subject proposed rulemaking has come to the attention of the Kings County Board of Supervisors. The Board provides the comments that follow and requests they be included in the record on proposed rulemaking.

- The Regulations take fairly straightforward legislation and expand its requirements to the collection of more than 200 possible data selection components; and
- The Regulations require subjective perception in lieu of factual information; and
- The Regulations ask officers to “unsee” Driver’s License and Identification Cards and instead replace that information with their own perceptions, almost inviting them to “profile”; and
- The Regulations mandate actions by peace officers that could take 10 to 45 minutes per stop to complete, thereby reducing the time they are able to be in the field serving communities and increasing the costs to departments by increasing their workloads dramatically. This is compounded by the requirement that data be input into the data base prior to the end of an officer’s shift, undoubtedly increasing overtime costs; and

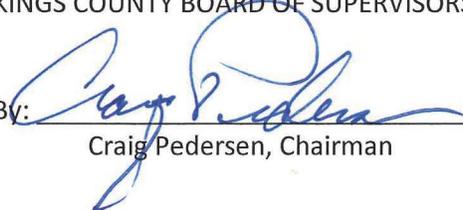
Xavier Becerra, Attorney General  
Attn: Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
January 25, 2017  
Page 2 of 2

- The Regulations ask local and state agencies to absorb these additional costs without additional funding;
- The Regulations essentially reprioritize the subjective information over the factual information needed for court proceedings; and
- The Regulations potentially jeopardize the identity of officers, particularly in smaller jurisdictions with smaller task forces that could be identified through public reporting if human redaction requirements are overlooked; and
- The Regulations seem to ignore the fact that California peace officers are among the most highly trained peace officers in the United States and, arguably, the world and address problems more prevalent in other States in a one-size-fits-all manner; and
- The Regulations create burdens that do not necessarily solve “problems” because the data will be unreliable; they will be misinterpreted if taken out of context of population demographics; will fail to calculate the impact of commuter communities; and other factors that cannot be captured through the reporting requirements will undoubtedly be used in a manner not intended; and
- The Regulations create burdens and demands in an environment already plagued by the demands of realignment, Proposition 47 and Proposition 57 and the revolving door these have created.

In summary, the regulations are too expansive, are unfunded, will deprive communities of needed patrol time, ask for subjective perception in lieu of factual information, and potentially jeopardize the safety of officers. We sincerely suggest that the original intent of the statute can be addressed in a far less burdensome manner by sticking to the 12 or 13 data points originally envisioned.

Sincerely,

KINGS COUNTY BOARD OF SUPERVISORS

By: 

Craig Pedersen, Chairman

**OFFICE OF THE  
SHERIFF-CORONER**

700 COURT STREET • JACKSON, CA 95642-2130



[50] Amador County Sheriff 1.26.17.pdf  
**MARTIN A. RYAN**  
**SHERIFF-CORONER**

(209) 223-6515 • FAX (209) 223-1609

January 23, 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Email: AB953@doj.ca.gov

Dear Ms. Ysrael:

As the Racial and Identity Profiling Advisory (RIPA) Board continues its work to implement the stop data collection portions of Assembly Bill 953 (Chapter 466, Statutes of 2015), I ask that my following comments on the pending regulations designed to implement AB 953 be taken into consideration.

**Reporting of Officer Characteristics**

As law enforcement organizations, including the California State Sheriffs Association, have pointed out, I also have significant concerns about mandating the collection of length of service and duty assignment data from peace officers as part of AB 953 compliance. Though I am grateful that the regulations do NOT require the collection of the officer's age, race, and gender, the regulations will almost assuredly result in the identification of specific officers in connection with particular interactions despite AB 953's statutory requirement that badge number or other unique identifying information of the peace officer not be made public.

Simply put, identifying officers endangers them physically and exposes them to liability. And while this concern may be most acute as it relates to smaller agencies with fewer officers, it also exists for larger agencies as a particular set of demographic identifiers could identify a single officer. An example of this in my small county of Amador is as follows, I have only 25 deputies assigned to our patrol function, including one K-9 deputy. I have four deputies assigned to investigations. At any one time I only have 3 deputies on a shift and one sergeant. I hope you can see how easily an identification of any of my staff could be. In addition, Amador is a county of some 34,000 residents, not counting those incarcerated in Mule Creek State Prison. How easy would it be for someone who has identified a deputy through their work assignment to locate a deputy's residence in this county or to find out where their spouse works or their children go to school?

Further, the requirement that agencies shall redact any personally identifiable information prior to transmitting the data is likely not enough to protect this information from reaching the public.

January 23, 2017

Page 2 ---

While I would argue that duty assignment and length of service could be considered “personally identifiable information,” the regulation is less than clear on whether an agency could or should redact that data, and when and how they should redact them where appropriate. Additionally, I believe interested parties will be remain able to obtain this data through court discovery (criminal and civil), even if redacted from the reports.

### **Additional Data Elements**

AB 953 requires the collection of a significant amount of data already. The proposed implementing regulations would add numerous additional observations and data points to be gathered far beyond what the law requires.

The regulations require the collection of the following observations or data points, despite the fact that the statute itself requires the collection of none of these things: the duration of a stop; the type of stop (vehicle, non-vehicle, or bicycle); whether the stop took place in a K-12 public school setting; the reason for the officer’s presence at the scene of the stop; whether any of the following actions were taken by the officer at the stop: person removed from vehicle, field sobriety check, curbside detention, handcuffed, patrol car detention, use of canine in apprehension, weapon removed from holster or brandished, weapon discharged or used, and other use of force; whether the person stopped had limited English fluency or a pronounced accent; whether the person stopped had a known or perceived disability; the officer’s years of experience; and the officer’s type of assignment.

Additionally, the regulations require all stop data, those both required by statute and additionally required by the regulations, to be completed and submitted to the reporting officer’s agency by the end of the officer’s shift. This last proposed regulation will either reduce a deputies time on patrol by causing them to return to the office sooner, take them out of their patrol function if they prepare the report while in the field, or cause a significant impact on my overtime budget if they are required to stay late to complete those stop reports.

The regulations will necessarily increase the duration of interactions between peace officers and the public, delaying the public’s travel while taxing very limited law enforcement resources. Doing so also keeps peace officers from responding to other calls and conducting routine patrols while simultaneously exposing them to more risk by keeping them in potentially dangerous situations for longer periods of time (e.g. on the side of a busy roadway). The time that will be taken to comply with the gathering and reporting of these observations and data will severely impact law enforcement’s capability to undertake proactive policing and will put our communities in peril.

Here is my concern for Amador County. Each patrol deputy is responsible for a 200 square mile beat during their 10 hour shift. Taking the additional time to complete the overreaching additional proposed regulation means that the citizens in the rest of their beat will receive no visual crime deterrence presence for an extended period of time and that deputy could well be

January 23, 2017

Page 3 ---

out of position to respond to emergency calls for service in a timely manner in other parts of their beat.

### **Related Issues**

As noted above, AB 953 and the implementing regulations will create significant increases in workload for law enforcement agencies. In addition to the concerns I have listed regarding officer privacy and safety, as well as the drain on officer time, these additional duties will saddle my office with massive training and technology costs for which no funds are provided by the state. As the materials accompanying the regulations note, costs to local and state government to implement AB 953 will be no less than \$81 million in one-time costs. This does not include ongoing costs to our agencies for equipment and technology updates and likely does not contemplate the additional data requirements imposed by the regulations. My office like many others, contracts with a communications company to provide our Mobile Data Terminal services. Each additional element added results in a substantial cost. To do what is required by the law will be costly enough without the additional proposed regulations that the law does not call for.

### **Conclusion**

I am concerned that the regulations as now proposed will have a chilling effect on the number of righteous stops that are made based on legal cause thereby creating a greater danger to our communities that we are sworn to serve. Current stops that are made in accordance with the law serve to prevent crimes before they occur rather than require law enforcement to respond to a call where a citizen has already been harmed. The requirements of AB 953 are significant and onerous, even without the augmentations currently being considered, however, the Sheriffs of this state will abide by the law as we are sworn to do. We all understand and agree that stops based on racial profiling have no role to play in our profession. All that we ask is that you do not make matters less safe for our officers and the law abiding public through the proposed additional regulations.

Sincerely,



MARTIN A. RYAN  
Sheriff, Amador County

cc: The Honorable Edmund G. Brown, Jr.  
All Members of the Racial and Identity Profiling Advisory Board  
Diane Cummins, Department of Finance

**From:** [Raphael, Joshua \(POL\)](#)  
**To:** [AB953](#)  
**Subject:** AB 953 feedback from SFPD  
**Date:** Thursday, January 26, 2017 11:33:54 AM

---

Hello,

We wanted to send some feedback on a couple of proposed requirements for AB 953. For these fields below, **(11)** might violate city policy since San Francisco is a Sanctuary City and **(12)** could violate HIPAA rules.

- (11) Whether the person stopped has limited English fluency or a pronounced accent
- (12) Whether the person stopped has a perceived or known disability

We also had a question on when the finalized requirements will be complete?

Thank You,

**Joshua Raphael**

Manager of Business Intelligence  
San Francisco Police Department  
Technology Division  
1245 Third Street, 4th Floor  
San Francisco, CA 94158  
Office: (415) 837-7302  
Cell: (415) 589-1384  
Email: [joshua.raphael@sfgov.org](mailto:joshua.raphael@sfgov.org)

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**From:** [Trena Turner](#)  
**To:** [AB953](#); [Shannon Hovis](#)  
**Subject:** Public Comment - RIPA Board / Proposed Text  
**Date:** Thursday, January 26, 2017 12:31:07 PM

---

Good Afternoon,

I am writing in reference to the proposed text regulation from the California Racial and Identity Profiling Advisory Board.

On each of the reporting sections there is a space given for Other. (Other, none of the above, other use of force, other suspicion, etc)

Though I am completely aware that all possible scenarios can never be imagined and space allowed to record, it is critically important that in any and every case that an 'Other' is used, there must also be a requirement to spell out exactly why the 'other' column was used.

Without the narrative, there would be too great an opportunity to use these categories as a catch all and prevent the transparency the bill was designed to provide.

Trena Turner  
Faith In The Valley, Executive Director  
Serving the counties of Kern, Fresno, Merced, Stanislaus, and San Joaquin  


Sent from my iPad

**AB953**

**From:** Casey Nice [REDACTED]  
**Sent:** Thursday, January 26, 2017 2:17 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 26, 2017



## Comment Regarding Proposed Regulations

Submitted on Thursday, January 26, 2017 - 2:17pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

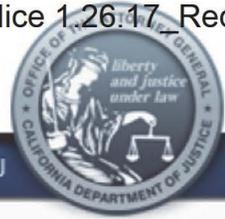
Name: Casey Nice

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

While this legislation may be well intended, it will be completely burdensome (time needed) on the police officers and because the data entered will be based on an impression made by the officer as to what category/categories a person, or multiple persons fit within, the value of the data will always be questionable, and of almost no value. Police are frequently summoned, by citizens, to respond to reported criminal or suspicious activity to areas that (for a whole host of reasons (economic?)) that are populated by the less fortunate. It appears that the intention of this legislation is to gather information that will somehow support that proposition that police actions are improper. If people are concerned that the police, or their respective agencies apply the law unequally and improperly, what value is there to collect information (provided by police) that can be relied upon?

I fear that the overly burdensome requirements of this legislation may (unfortunately and improperly) cause police and or agencies to NOT take action for fear of being labeled as acting unfairly or improperly as well as (because of time requirements) being unavailable for other police duties.

File



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# LOS ANGELES POLICE DEPARTMENT

[54] LAPD 1.26.17.pdf

**CHARLIE BECK**  
Chief of Police



P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213) 486-0150  
TDD: (877) 275-5273  
Ref #: 14.1

**ERIC GARCETTI**  
Mayor

January 25, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Officer of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael,

I am writing in opposition to the proposed regulations (11 CCR 999.224 et seq.) implementing AB 953 The Racial and Identity Profiling Act of 2015. While we did not oppose the legislation and its intent and requirements, the proposed regulations go far beyond what is required in the legislation, and create an unreasonable and excessive burden on the field officers who are tasked with recording the data. Importantly, the excessive time required to comply with the regulations will significantly detract from an officer's ability to respond to calls for service, and reduce the time available to engage in community policing and fulfill our public safety mission.

We have collected "stop" data for over 16 years, as required by the U.S. Department of Justice and existing LAPD policies and procedures. Members of our Information Technology Bureau met with representatives of the California Department of Justice (DOJ) in 2016 and discussed the data we were currently capturing, along with our work on an enhanced electronic smart phone application for field use that would capture the data required by the legislation. We sought guidance from DOJ so our development would be in line with the anticipated data standards. We continued our work based on those discussions. However, the proposed regulations far exceed our original expectations of the data needed to fulfill the legislative purpose. For example, the legislation simply requires officers report the "reason for the stop." We intend to use 11 common sense reasons for stops such as "Call for Service," "Consensual" and "Vehicle Code Violation." The proposed regulations expand the "Reason for the Stop" into two separate categories: "Reason for Presence at Scene of Stop" and "Reason for Stop." In addition to other required data, the two sections in the proposed regulations delineate four different types of calls for service and nine different types of "reasonable suspicion." This significantly expands the amount of data required for each stop and is far beyond what is required by the legislation.

Letter to Deputy Attorney General

Page 2

14.1

The definition of “stop” is also vague and exceedingly broad. Including any interaction in which a search is conducted will increase the number of required reports due to secondary searches conducted during security screenings prior to entry into public buildings.

The time required to comply with the proposed regulations is further compounded when multiple suspects are stopped or interviewed. The time necessary to record the data required under the proposed regulations would also prolong stops and detentions. Officers will be required to complete the data requirements with the individual present to ensure all of the information is accurate and does not rely on the officer’s memory. More so, the regulations require that the data be submitted prior to the end of the officer’s shift. This requirement will likely result in overtime depending on calls for service, but clearly less time to respond to calls if officers are occupied throughout their shift by data recordation.

Lastly, but of utmost importance, the safety of officers is compromised by the need for the officer to intensely focus on the smart phone application or mobile data terminal to record the breadth of the data required. Where officers are deployed two per car, one officer can provide for the safety of the other, but this in effect doubles the time of unavailability to provide police services. In the case of single officer deployment, the requirements violate basic officer safety principles of awareness of surroundings, and subject an officer to attack or ambush.

Data collection by the Los Angeles Police Department has never revealed systemic bias in public contacts. The massive amounts of data required by the proposed regulations are unlikely to change that result. The regulations are complex, while the legislation is simple, straightforward and meaningful. Implementation of the overly broad data requirements in the proposed regulations will not lead to safer communities or increased accountability of police officers and their agencies. Implementation will lead to excessive expense, administrative burdens, and communities with decreased police services.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charlie Beck', with a stylized, looping flourish at the end.

CHARLIE BECK  
Chief of Police

**From:** [REDACTED]  
**To:** [AB953](#)  
**Subject:** Court Administration and Protocol  
**Date:** Thursday, January 26, 2017 6:21:00 PM

---

If I have a problem with a court dept. in Clerks office, witch also discloses on line for court evidence. Witch in my case was tampered with. The only party that would have been able to tamper with my case files in benefiting would be Legal Aid. [REDACTED], I have filled Police charges and documented. Having originals and on manipulation of Documents that have been filled and when I pull them up they are

Sent from [Mail](#) for Windows 10

**From:** [Anthony Amarante](#)  
**To:** [AB953](#)  
**Subject:** The impotance of naratives.  
**Date:** Thursday, January 26, 2017 6:31:44 PM

---

Please accept this as my writen comment as I was able to attend this mornings board meeting in Fresno, but couldn't stay for the afternoon comment section. My name is Tony Amarante I live in Bakersfield and am retired after 32 years of service in our California Public Schools. Naratives are much more important than check-boxes on a form since they give the most clear meaning of events that transpired, but they aren't always easy to write. I would hope that our Police Personnel would be given training on how to write narratives, because its a skill that requires practice to master. Besides I bet most adults would like to have some time to develop their writing styles, and I bet cops would feel less frustration in their jobs if they had training in this most important and necessary skill. Good luck to all

Mr. Tony Amarante  
Bakersfield

**From:** [Steve RAPHAEL](#)  
**To:** [AB953](#)  
**Subject:** comments on proposed regulations for AB 953  
**Date:** Thursday, January 26, 2017 8:14:46 PM

---

Catherine Z. Ysrael,  
Deputy Attorney General, Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor Los Angeles, CA 90013

Dear Ms. Ysreal:

I wanted to convey my support for the proposed regulations regarding AB 953, and in particular, the constellation of data fields that are proposed to be standard data elements to be reported by police officers from, eventually, all law enforcement agencies across the state. The proposed regulations, if implemented, will permit analysis of cross-group disparities in the incidence and nature of police stops and searches and will also facilitate a burst of research on policing and best practice. The list of data fields will allow nuanced analysis and will afford researchers, police departments, and advocates the ability to contextualize data patterns and to better understand some of the most pressing problems facing police departments in the state of California and in the United States more broadly. In addition, the proposed data fields and collection protocol and data configuration (in particular, the collection and reporting of stop-level information) will greatly increase transparency in police practice and procedure, a factor likely to benefit the public as well as the police.

I am a professor and empirical researcher that focuses largely on criminal justice policy issues. I am quite familiar with the body of research investigating the sources of racial disparities in stop rates in various localities across the country and the body of research investigating whether specific police departments are engaging in racial profiling. This research is to some degree inconclusive and is certainly imperfect. Nonetheless, this body of research has certainly yielded findings that are often of use to police departments, regulators, and the public. The proposed data collection effort in the regulations for AB953 will essentially put California on the forefront of criminal justice transparency and foster a flurry of research on policing that I believe will prove beneficial to all Californians and the country.

Please don't hesitate to contact me if I can be of help in this effort.

Sincerely,

Steven Raphael  
James D. Marve Professor of Public Policy  
Goldman School of Public Policy  
University of California, Berkeley

**From:** [M Gloria Hernandez](#)  
**To:** [AB953](#)  
**Subject:** Profiling  
**Date:** Thursday, January 26, 2017 10:24:45 PM

---

I just learned about the deadline. Wish I would have know in order to submit evidence that fresno police target Mexicans in order to make money off of them. I did a public records act request and have the info but can't get to it till Monday. Will u grant me an extension  
Gloria Hernandez. [REDACTED]

Rosa Parks sat and the world listened

**AB953**

**From:** Jeremy Buttgereit [REDACTED]  
**Sent:** Friday, January 27, 2017 6:38 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 27, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 6:37am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

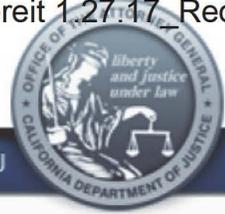
Name: Jeremy Buttgereit

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

To Whom it may Concern:

This bill if enacted will severely cripple law enforcement agencies around the state. The time involved in completing this data will cause a reduction in law enforcement service to the public and increased costs which would be passed on to the taxpayers. Please consider the impact on public safety. In a way the requirements of this Assembly Bill would be counter-productive to what it is trying to accomplish.

Thank you,  
Jeremy Buttgereit  
File



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**YOLO COUNTY**

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**E. G. PRIETO**  
SHERIFF - CORONER

**TOM A. LOPEZ**  
UNDERSHERIFF

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FOOD SERVICES  
RECORDS  
TRANSPORTATION

**LEINBERGER DETENTION**  
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**CAMERON TRAINING FACILITY**  
(530) 668-5206  
COMMISSARY  
INMATE EDUCATION  
INMATE PROGRAMS  
INMATE TRAINING

January 26, 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Email: AB953@doj.ca.gov

Dear Ms. Ysrael:

As the Racial and Identity Profiling Advisory (RIPA) Board continues its work to implement the stop data collection portions of Assembly Bill 953 (Chapter 466, Statutes of 2015), please consider my comments on the pending regulations designed to implement AB 953.

As law enforcement organizations have pointed out for months, I have significant concerns about mandating the collection of length of service and duty assignment data from peace officers as part of AB 953 compliance. Though I am grateful that the regulations do NOT require the collection of the officer's age, race, and gender, the regulations will almost assuredly result in the identification of specific officers in connection with particular interactions despite AB 953's statutory requirement that badge number or other unique identifying information of the peace officer not be made public.

Simply put, identifying officers endangers them physically and exposes them to liability; and while this concern may be most acute as it relates to smaller agencies with fewer officers, it also exists for larger agencies as a particular set of demographic identifiers could identify a single officer.

AB 953 requires the collection of a significant amount of data. The proposed implementing regulations seek to add numerous observations and data points to be gathered far beyond what the letter of the statute requires.

The regulations require the collection of the following observations or data points, despite the fact that the statute itself requires the collection of none of these things: the duration of a stop; the type of stop (vehicle, non-vehicle, or bicycle); whether the stop took place in a K-12 public school setting; the reason for the officer's presence at the scene of the stop; whether any of the following actions were taken by the officer at the stop: person removed from vehicle, field sobriety check, curbside detention, handcuffed, patrol car detention, use of canine in apprehension, weapon removed from holster or brandished, weapon discharged or used, and other use of force; whether the person stopped had limited English fluency or a pronounced accent; whether the person stopped had a known or perceived disability; the officer's years of experience; and the officer's type of assignment. Additionally, the regulations require all of the stop data, those both required by statute and additionally required by the regulations, to be completed and submitted to the reporting officer's agency by the end of the officer's shift.

In this regard, the regulations will necessarily increase the duration of interactions between peace officers and the public, thereby taxing law enforcement resources that have already been spread thin. Doing so also keeps peace officers from responding to other calls and conducting routine patrols while simultaneously exposing them to more risk by keeping them in potentially dangerous situations for longer periods of time (e.g. on the side of a busy roadway). The time that will be taken to comply with the gathering and reporting of these observations and data will severely impact law enforcement's capability to undertake proactive policing and will put our communities in peril.

As noted above, AB 953 and the implementing regulations will create significant increases in workload for law enforcement agencies. In addition to the concerns I have listed regarding officer privacy and safety, as well as the drain on officer time, these additional duties will saddle my office with massive training and technology costs for which no funds are provided by the state. As the materials accompanying the regulations note, costs to local and state government to implement AB 953 will be no less than \$81 million in one-time costs. This does not include ongoing costs to our agencies and likely does not contemplate the additional data requirements imposed by the regulations. In terms of funding, at the present time, my only recourse will be to utilize the lengthy and burdensome state mandate process to attempt to recoup the massive costs imposed upon my agency by AB 953 and its implementing regulations.

I implore you to consider these concerns, which are based on the desire to protect officer safety and privacy and ensure economy of law enforcement resources, and reject the troublesome concepts highlighted by this letter. The requirements of AB 953 are significant and onerous, even without the augmentations currently being considered. I urge the Department of Justice and the RIPA Board to be cautious in adding to the overly burdensome requirements already in place. Thank you for your attention to these matters.

Sincerely,



E.G. PRIETO  
SHERIFF-CORONER

cc: The Honorable Edmund G. Brown, Jr.  
All Members of the Racial and Identity Profiling Advisory Board  
Diane Cummins, Department of Finance



## California Association of Highway Patrolmen

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2030 V Street | Sacramento, CA 95818 | [www.theca hp.org](http://www.theca hp.org)  
(916) 452-6751 | fax: (916) 457-3398

January 26, 2017

**RE: RIPA Board Proposed Regulations, Public Comment**

To Whom It May Concern:

We are writing to you today on behalf of the members of the California Association of Highway Patrolmen (CAHP) to express concerns for the proposed regulations being recommended by the Racial and Identity Profiling Advisory (RIPA) Board. The regulations, as proposed, would have an inordinate impact on the California Highway Patrol and, more specifically, on the uniformed members of the California Association of Highway Patrolmen, relative to other law enforcement organizations in California.

AB 953, the legislation establishing the RIPA board, provided the following definition of the word "stop." AB 953 defined a "stop" as "any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control." Clearly, every single time a CHP officer pulls someone over for speed, reckless driving, suspicion of driving under the influence or the like, those contacts would meet the definition of a "stop." This type of proactive enforcement work typically accounts for between 50% and 75% of a typical CHP officer's day. The work of a CHP officer, by design, is proactive and preventative in nature. The proactive law enforcement work CHP officers perform helps to prevent traffic collisions from occurring, injuries from occurring or, worse yet, deaths from occurring.

The regulations proposed would have an inordinate impact on the workload of CHP officers, in particular, simply due to the nature of work they perform on behalf of the State of California. Their work is much different than the work of local police officers or sheriff deputies, who spend much of their workday responding to calls for assistance—work that does not meet the definition of a "stop."

In 2016, our officers performed approximately 2.8 million contacts that would meet this definition of a "stop." Using this number, under regulations promulgated by the RIPA board, all required data would need to be collected from the driver of the vehicle at the very least and, in some cases, all passengers in the vehicle as well. In addition, a written narrative may be required of each stop, based on the recommendations of the RIPA board. By our estimates, each of these 2.8 million contacts would result in an average of 12 additional minutes of time to collect and enter the required data and to type out the written narrative of the stop, assuming data is only collected from one occupant in the vehicle. This equates to approximately 560,000 additional hours of work each year to perform these additional tasks

*Public Service, Public Trust*

or **260 full-time positions at a minimum**. And yet, there is no funding provided by AB 953 to hire additional officers to absorb this workload.

In addition, there are other circumstances in which data must be collected, such as for impounded vehicles. The highway patrol impounds more than 132,000 vehicles per year. If you assume that even half of those are occupied vehicles, and that half of those have more than one occupant from whom data would need to be collected, this is yet another impact that is unique to the work CHP officers perform daily.

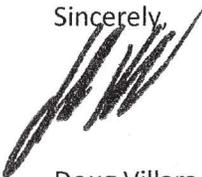
The CHP's staffing levels over the last 25 years have remained relatively stable. However, the number of licensed drivers, the number of registered vehicles on the roads and the number of vehicle miles travelled in California have greatly increased in that same time period. In addition, the CHP has taken on additional duties over that same time period related to homeland security, state police operations, farm labor vehicle safety and the like. The CHP is already an agency that has taken on increased workloads with relatively stable staffing numbers. The additional workload added to the CHP, in particular, by these proposed regulations would only exacerbate those workload challenges.

And finally, by requiring information that contains identifiable information of specific officers, CAHP members' personal safety could be put in jeopardy. While the RIPA board's proposed regulations make some attempt to prevent this, there are matters well beyond the control of the RIPA board that could ultimately compromise the identity of individual officers, making them and their families subject to concerns for their safety.

We don't believe the regulations promulgated by the RIPA board are meant to inhibit CHP officers from performing their proactive work of enforcing speed limit and reckless driving laws on California roadways. However, we do fear that the unintended consequence of these regulations would be just that—roadways that are less safe and with fewer opportunities for our officers to make public contacts that would result in saving lives. We also don't believe the RIPA board members intend to compromise the personal safety of public safety officers in California, but we are concerned that the unwitting effect will be just that.

We strongly urge the board members to consider the unique nature of the proactive work performed by California Highway Patrol officers and the impact these regulations would have on their work. These duties are performed on behalf of the citizens of California to make our roadways as safe as possible. We respectfully request that you not take action which would inhibit those efforts.

Sincerely,



Doug Villars, President  
California Association of Highway Patrolmen

**AB953**

**From:** Jonathan Mummolo [REDACTED]  
**Sent:** Friday, January 27, 2017 10:46 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 27, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 10:46am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Jonathan Mummolo

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

My comments to the state:

To Whom It May Concern:

I am a PhD candidate at Stanford University majoring in Political Science. In the fall I will begin work as an assistant professor at Princeton University. Police behavior and accountability are primary areas of my research agenda.

After reading the proposed regulations for police stops, I have several suggestions for your consideration.

1. In addition to having officers record the code for the suspected crime that forms the basis for reasonable suspicion, officers should be asked to record a written narrative description (prose) of what they observed in the moments leading up to the stop that prompted them to suspect this

activity in each case, and can provide crucial information in the event that the validity of a stop needs to be investigated for any reason. In addition, my research shows that when the NYPD adopted the requirement of written, narrative justifications, the department saw a substantial and immediate increase in the rate at which stops showed evidence of the suspected crime (the "hit rate"). That research is currently under peer review, and a current draft can be viewed here: [http://www.stanford.edu/~jmummolo/mummolo\\_sqf\\_11\\_22\\_2016.pdf](http://www.stanford.edu/~jmummolo/mummolo_sqf_11_22_2016.pdf)

2. Record officer identifiers and make these identifiers publicly available. Currently, most publicly available police stop data does not contain identifiers for the officers making the stops. Officer identifiers, even anonymous ones that do not reveal the officer's name, would allow for more thorough assessments of whether unjustified stops are stemming from a few "problem" officers or represent systemic problems in a department.

3. Conduct audits of adequate size to allow for statistical assessments. In my experience, internal audits of stop data are often conducted on small sample sizes (i.e. dozens of stops rather than hundreds or thousands). Increasing the sample sizes of these audits would allow for more accurate assessments of the degree to which irregularities are systemic.

4. Implement these reforms systematically to allow their impact to be scientifically assessed. Rather than adopting all these reforms at once statewide, the state should consider randomly assigning certain officers and/or departments to adopt these reforms and to maintain the status quo for the remaining officers/departments. Doing so would allow for a controlled test of the impact of these reforms on a host of outcomes, including officer behavior and crime reduction. In contrast, adopting these reforms statewide and simply comparing outcomes before and after the reforms are adopted is a method of evaluation that is much more prone to bias, since other unobserved changes in the state that occur simultaneously could be responsible for any observed differences in outcomes. If this suggested approach is of interest to the state, I would be eager to collaborate on implementation and analysis as I have expertise in program evaluation in this area.

File



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[63] Charlie Beck 1.26.17.pdf

# FAX

TO: Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
CA Officer of the Attorney General

Fax 213-897-7605

From: Charlie Beck  
Chief of Police  
Los Angeles Police Department

Comments:

Attached are comments in opposition to the proposed regulations implementing AB953 The Racial and Identity Profiling Act of 2015 authored by Charlie Beck, LAPD Chief of Police.

If you should have any questions or concerns, please contact Commander Michael Hyams, Commanding Officer Risk Management Legal Affairs Group at (213) 486-8730.

## LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ERIC GARCETTI**  
Mayor

[63] Charlie Beck 1.26.17.pdf  
P.O. Box 30133  
Los Angeles, Calif. 90030  
Telephone: (213) 486-0150  
TDD: (877) 275-5273  
Ref #: 14.1

January 25, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Officer of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael,

I am writing in opposition to the proposed regulations (11 CCR 999.224 et seq.) implementing AB 953 The Racial and Identity Profiling Act of 2015. While we did not oppose the legislation and its intent and requirements, the proposed regulations go far beyond what is required in the legislation, and create an unreasonable and excessive burden on the field officers who are tasked with recording the data. Importantly, the excessive time required to comply with the regulations will significantly detract from an officer's ability to respond to calls for service, and reduce the time available to engage in community policing and fulfill our public safety mission.

We have collected "stop" data for over 16 years, as required by the U.S. Department of Justice and existing LAPD policies and procedures. Members of our Information Technology Bureau met with representatives of the California Department of Justice (DOJ) in 2016 and discussed the data we were currently capturing, along with our work on an enhanced electronic smart phone application for field use that would capture the data required by the legislation. We sought guidance from DOJ so our development would be in line with the anticipated data standards. We continued our work based on those discussions. However, the proposed regulations far exceed our original expectations of the data needed to fulfill the legislative purpose. For example, the legislation simply requires officers report the "reason for the stop." We intend to use 11 common sense reasons for stops such as "Call for Service," "Consensual" and "Vehicle Code Violation." The proposed regulations expand the "Reason for the Stop" into two separate categories: "Reason for Presence at Scene of Stop" and "Reason for Stop." In addition to other required data, the two sections in the proposed regulations delineate four different types of calls for service and nine different types of "reasonable suspicion." This significantly expands the amount of data required for each stop and is far beyond what is required by the legislation.

[63] Charlie Beck 1.26.17.pdf

Letter to Deputy Attorney General

Page 2

14.1

The definition of "stop" is also vague and exceedingly broad. Including any interaction in which a search is conducted will increase the number of required reports due to secondary searches conducted during security screenings prior to entry into public buildings.

The time required to comply with the proposed regulations is further compounded when multiple suspects are stopped or interviewed. The time necessary to record the data required under the proposed regulations would also prolong stops and detentions. Officers will be required to complete the data requirements with the individual present to ensure all of the information is accurate and does not rely on the officer's memory. More so, the regulations require that the data be submitted prior to the end of the officer's shift. This requirement will likely result in overtime depending on calls for service, but clearly less time to respond to calls if officers are occupied throughout their shift by data recordation.

Lastly, but of utmost importance, the safety of officers is compromised by the need for the officer to intensely focus on the smart phone application or mobile data terminal to record the breadth of the data required. Where officers are deployed two per car, one officer can provide for the safety of the other, but this in effect doubles the time of unavailability to provide police services. In the case of single officer deployment, the requirements violate basic officer safety principles of awareness of surroundings, and subject an officer to attack or ambush.

Data collection by the Los Angeles Police Department has never revealed systemic bias in public contacts. The massive amounts of data required by the proposed regulations are unlikely to change that result. The regulations are complex, while the legislation is simple, straightforward and meaningful. Implementation of the overly broad data requirements in the proposed regulations will not lead to safer communities or increased accountability of police officers and their agencies. Implementation will lead to excessive expense, administrative burdens, and communities with decreased police services.

Very truly yours,



CHARLIE BECK  
Chief of Police



January 27, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael:

Based on our review of the Stop Data Reporting regulations proposed by the California Department of Justice (DOJ), the Department of Finance concludes that the proposed regulations may have a total economic impact exceeding \$50 million in one 12-month period through full implementation of the rule. As a result, the proposed regulations may be a major regulation, and a Standardized Regulatory Impact Assessment (SRIA) may be required before the proposed regulations can be submitted for final review to the Office of Administrative Law (OAL).

Assembly Bill 953 (AB 953), Chapter 466, Statutes of 2015, requires local law enforcement agencies to submit specified data to DOJ. The regulations additionally specify how frequently that data is to be collected, some additional data to be collected at the same time, and offers three options for submitting the data. Those options all would require investments in technology, as there is no longer an option of submitting a spreadsheet or other common form of electronic document for collation by DOJ. In a survey, law enforcement agencies estimated the costs of implementing AB 953, which DOJ has estimated to be the total costs of implementing, with no further costs due to the regulations. However, as law enforcement agencies may have assumed there would be a low-cost option for reporting (consistent with other law enforcement reports collected by DOJ), we believe there could be substantial regulatory costs in addition to the current cost estimate. As an example of the possible regulatory costs, over 400 agencies will eventually be required to report data under these regulations, average ongoing reporting costs of \$125,000 per agency would lead to \$50 million in direct costs alone.

To address these issues, an additional survey could be conducted to determine what the costs of meeting the regulatory requirements would be. Alternatively, staff could estimate technology and compliance costs from their knowledge of agency operations. Finance staff are available to provide assistance and guidance on choosing and implementing an estimating methodology.

As a reminder, you should take into account that if your regulation meets the major regulation threshold, Government Code section 11346.3 and California Code of Regulations, title 1, sections 2002 and 2003 require an agency promulgating major regulations to prepare and submit a SRIA to the Finance for comments. The agency must summarize and respond to Finance's comments, and include them with the notice of proposed action it files with the OAL. California Code of Regulations, title 1, section 2002(a)(1) requires that a SRIA be submitted to Finance not less than 60 days prior to the filing of a notice of proposed action with the OAL. As this deadline has already passed, as soon as DOJ submits the SRIA, we will work to provide formal comments. The SRIA, a summary of Finance's comments, and DOJ's response would then need to be circulated for an additional public comment period.

Again, we appreciate your efforts to identify the economic impact of the proposed regulation and your willingness to work with us to determine whether a SRIA is required.

Sincerely,



Irena Asmundson  
Chief Economist

Cc: Ms. Panorea Avdis, Governor's Office on Business and Economic Development  
Ms. Debra Cornez, Office of Administrative Law  
Ms. Kathleen Vermazen Radez, California Department of Justice  
Ms. Shannon Hovis, California Department of Justice  
Ms. Melan Noble, California Department of Justice  
Ms. Nancy Beninati, California Department of Justice  
Ms. Angela Sierra, California Department of Justice  
Mr. Robby Sumner, California Department of Justice  
Ms. Jenny Rich, California Department of Justice

**AB953**

**From:** Anne Barron, Ph.D [REDACTED]  
**Sent:** Friday, January 27, 2017 11:17 AM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 27, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 11:16am

Submitted by anonymous user [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Anne Barron, Ph.D

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

The Peace Resource Center of San Diego supports the following recommendations:

### General Recommendations

1. Data collection for data elements "Reason for Stop" and "Basis for Search" must include mandatory open-text fields to ensure complete and accurate data collection. Peace officers providing stop data must be allowed to provide factually specific information to explain the reason for the stop as well as other circumstances. Although numerous data elements lend themselves to defined data values, the "Reason for Stop" and "Basis for Search" are data elements where officers should be required to provide additional context for why the stop was initiated or search was conducted by completing an open-text field in addition to selecting the appropriate specifically identified data value.

An officer's decision to conduct a stop or a search may be based on a wide variety of reasons — any reason or set of reasons that gives rise to reasonable suspicion or probable cause that criminal

circumstances” analysis adopted by courts. See, e.g., *Illinois v. Gates*, 402 U.S. 238 (1973). Accordingly, an open-text field is essential for an officer to briefly and accurately respond to these data elements and for the proper analysis required by the statute. This is especially true since there is no way to encompass in a drop down menu of specified data values all of the myriad reasons officers may have for suspecting criminal activity. Moreover, such specified data values will not describe the reasons for a stop or search with the detail necessary to determine if the reasons may be insufficient or themselves the product of bias.

Finally, the importance of open-text fields has been previously identified by RIPA Board member Jennifer Eberhardt, who also stated that the use of open-text fields can help identify additional specified data values that should be added to the data collection process. In addition, California Justice Information Services Division (CJIS) representatives made clear during RIPA subcommittee meetings that there are no technological barriers to the use of open-text fields as part of the data collection process.<sup>1</sup>

<sup>1</sup> During various Technology subcommittee meetings of the RIPA Board, CJIS representatives stated that narrative fields could be incorporated into the data collection software being developed and also expressed a commitment to minimizing peace officer burden in the data collection process as well as

We object to the omission of mandatory open-text fields and recommend that the proposed regulations be revised to include a mandatory open-text field in response to the data elements of “Reason for Stop” and “Basis for Search” to ensure the collection of accurate and complete stop data as required by statute.

For any data value that references “Other”, there should be a mandatory open-text field. Similar to the above, any data element that allows an officer to select a data value of “Other” must include an open-text field that allows the officer to provide additional factual information to understand what scenarios are not covered by the specified data values. Although data collection must balance the need for efficiency with the need for completeness, officers must submit – and those analyzing the data must be provided – the necessary information and context to allow for complete and thorough analysis so appropriate responses to biased policing can be formed and implemented. In addition, the use of open-text fields will assist in identifying additional, often-used responses that should be added as specified data values.

We object to the omission of a requirement to use open-text fields and recommend that the proposed regulations be revised to include a mandatory open-text field for all data values referencing “Other”<sup>2</sup> to ensure the collection of accurate and complete stop data as required by statute.

The regulations should specifically address standards for any intended trainings related to data collection to ensure uniform reporting pursuant to the statute. The proposed regulations do not currently set forth any training standards related to the process of data collection. However, during various subcommittee meetings, several RIPA Board members referenced “trainings” as a means of ensuring consistent and uniform data reporting. Moreover, law enforcement members of the RIPA Board expressed concern related to whether officers would know how to appropriately report perceptions related to identity data fields, particularly those related to gender identity and membership in the Lesbian, Gay, Bisexual and Transgender (LGBT) community.

We strongly recommend that to the extent data collection trainings are contemplated as part of the

regulations to ensure that officers correctly and accurately collect and report data.

#### Specific Comments on Proposed Regulations

##### Article 1. Definitions, 11 CCR § 999.224.

1. “Detention”. The definition of “Detention” should be strengthened to guard against narrow interpretations of the term. Although section 999.224(a)(7) sufficiently defines the scope of the detention, an explanatory example may be useful to ensure that officers accurately and consistently capture reportable stop data. Specifically, an example should be added under the definition of “Detention” to clarify the scope of interactions implicated by the term, including initial questioning by officers generally perceived by individuals as interactions where they are not free to leave. Although we do not object to the definition of “Detention”, we do strongly recommend that the proposed regulations be revised to add a clarifying example to the definition of “Detention” that reads as follows:

Example: A peace officer who inquires about an individual’s presence or activities (e.g. “What are you doing?”, “Why are you here?”, “Where are you going?”, “What is in your pocket?”, “Do you have drugs on you?”, etc.) would record the interaction pursuant to Government Code section 12525.5.

2. “Stop”. Section 999.224(a)(14) sets forth the definition of “Stop”, but fails to reflect the definition used in the statute. Specifically, AB 953 makes clear that a “stop” is defined as “any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.” The regulations should reflect the exact language of the statute to guard against any confusion that any search – consensual or not – is subject to reporting under the statute and the regulations.

We object to the definition of “Stop” and recommend that the proposed regulations be revised so that the definition of “Stop” read as explicitly stated in the statute.

##### Article 3. Data Elements to Be Reported, 11 CCR § 999.226.

“Duration of Stop”. Section 999.226(a)(2)(C) requires officers to provide the duration of the stop and sets forth five data values: 0-10 minutes, 11-20 minutes, 21-30 minutes, 31-60 minutes, and over 60 minutes. However, the duration of a stop is a significant data value that can distinguish between a brief stop and more significant stops. Reporting the duration of a stop in 10 minute increments loses valuable information by lumping substantially different stops into a single category. For instance, the difference between a one-minute stop and a ten-minute stop is considerable to both the individual stopped and the officer making and reporting the stop. Instead of collecting the data element of “Duration of Stop” through a limiting bracket system, simply allowing an officer to estimate the duration of the stop in minutes (as done by departments such as NYPD) requires that the officer enter one or two digits, which is no more burdensome than checking a box, and provides important information that will help evaluate the nature of stops and the types of bias that may be at play.

We object to the use of bracketed time frames for the data values responsive to the data element of “Duration of Stop” and recommend that the proposed regulations be revised so the responsive data value is simply a mandatory open-text field where officers are instructed to provide the best estimate for the duration of the stop.

“Location and Type of Stop”. Section 999.226(a)(3) requires officers to provide specific geolocation information or street address to describe the location of the stop. However, the provision does not require officers to provide a description of the location that will be essential for thorough and

embedded in policing, it is important to note when stops are occurring on sidewalks as opposed to public transportation, at private homes as opposed to public housing complexes, or at a public park or a commercial location. Providing this necessary level of detail will allow researchers and the RIPA Board that is charged with analyzing and identifying solutions to biased policing to better understand what types of locations individuals are most frequently stopped.

We object to the omission of descriptive data values to identify the location of a stop and recommend that the proposed regulations be revised to include a data element for “Description of Location of Stop” with the following primary and secondary data values:

- Vehicle Stop
- ♣ Public Street ♣ Highway
- ♣ Parking lot
- Pedestrian Stop
- ♣ Public street/sidewalk
- ♣ Public transportation/transit
- ♣ Public housing/Section 8 housing
- ♣ Private home/apartment
- ♣ Public park/playground
- ♣ Government building
- ♣ Commercial/business location
- ♣ On K-12 school grounds or at school perimeter ♣ Community college/state college/university
- ♣ Other

We further recommend an officer be required to complete a mandatory open-text field when selecting the “Other” data value.

3. “Reason for Presence at Scene of Stop”. Section 999.226(a)(4)(A) sets forth 10 primary data values in response to the data element of “Reason for Presence at Scene of Stop” and officers are required to select as many of these primary data values that may apply. Yet, several primary data values would seem more logical as secondary data values. For example, “Welfare check” and “Other community caretaking” (see §999.226(a)(4)(A)(6) and (7)) are listed as primary data values; however, both would be more appropriately listed as secondary data values under both “Radio calls/dispatch” and “Citizen-initiated contact”. In addition, “Witness interviews” (see §999.226(a)(4)(A)(3)) seems vague and subject to broad interpretation. A better data value would be “Officer-initiated investigatory activity” in order to capture witness interviews, stakeouts, drug buy and busts, and other similar activities. Finally, there is no data value that captures when an officer is at the scene due to a joint operation with another agency and a corresponding mandatory open-text field where the officer can identify the other agency.

The data values for “Reason for Presence at Scene of Stop” should be mutually exclusive and mutually exhaustive to ensure both accurate and consistent reporting and appropriate data analysis. Accordingly, we believe the current data values for “Reason for Presence at Scene of Stop” should be revised and recommend that the data values be reorganized into the following nine primary data values:

- Patrol (currently §999.266(a)(4)(A)(1))
- Radio calls/dispatch (currently §999.226(a)(4)(A)(2))
- Officer-initiated investigative activity

- Warrants and programmatic operations (currently §999.266(a)(4)(A)(5))
- “K-12 public school assignment” (currently §999.266(a)(4)(A)(8))
- Civil disorder (currently §999.266(a)(4)(A)(9))
- Rally/protest
- Joint operation with another agency
- Other

We also recommend that the secondary data values for specific primary data values be revised as follows:

- Under “Patrol” the following secondary data values should be added:
  - o “Foot”
  - o “Vehicle”
- Under “Radio calls/dispatch” and “Citizen-initiated contact” the following secondary data elements should be added:
  - o “Welfarecheck”
  - o “Other community caretaking”

We further recommend an officer be required to complete a mandatory open-text field when selecting the “Joint operation with another agency” data value so the officer can identify the specific agency.

We further recommend that officers be allowed to select only one data value in response to “Reason for Presence at Scene of Stop” and instructed to select the data value that reflects the primary reason.

“Reason for Stop”. Section 999.226(a)(5)(A) sets forth six primary data values in response to the data element of “Reason for Stop” and officers are required to select as many data values that may apply. However, as previously stated, a mandatory open-text field should be required in addition to selecting any applicable specifically identified data values. Although requiring officers to cite the specific code section and subdivision that formed the basis for the stop (i.e. “Reasonable suspicion”, section 999.226(a)(5)(A)(2)) and basis for the probable cause to arrest (i.e. “Probable cause to arrest”, section 999.226(a)(5)(A)(3)) is advisable and should remain in the regulations, such citations are not enough to provide the necessary context and information related to a stop to ensure proper analysis of stop data.

In addition, although secondary data values are provided for some primary data values, e.g. “Reasonable suspicion” (see §999.226(a)(5)(A)(2)), there are no secondary data values for “Probable cause to arrest” and “Probable cause to search” (see §§999.226(a)(5)(A)(3) and (4), respectively). The legal standard for probable cause is fact intensive and is a higher standard than reasonable suspicion. Accordingly, it is essential to capture the factual context of any specific stop to ensure complete and accurate data collection relating to stops made on the basis of probable cause.

We object to the exclusion of certain data values in response to the “Reason for Stop” data element and recommend that the proposed regulations be revised to include the following changes to the data values for “Reason for Stop”:

- Add a mandatory open-text field to be completed in addition to selecting any applicable specifically identified data values
- Add the secondary data values identified in sections 999.266(a)(5)(A)(2)(a)-(i) as secondary data values for both “Probable cause to arrest” and “Probable cause to search”

but the fifth data value in the list

5. Distinction between “Reason for Presence at Scene of Stop” and the “Reason for Stop”.

Section 999.226(a)(5)(B) provides guidance distinguishing between the data elements of “Reason for Presence at Scene of Stop” and the “Reason for Stop”. Yet, the third example in this provision is erroneous and must be corrected to ensure accurate reporting of stop data. Specifically, the example establishes a scenario where an officer pulls over a vehicle for a broken taillight and the officer then observes a switchblade on the lap of the passenger. The example then states that “the ‘Reason for Stop’ of the passenger will be ‘Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation)’”.

As written, the example instructs officers to conflate two different situations, which would lead to underreporting of stops and inaccurate data collection and analysis. There are actually two reportable interactions in this scenario: one with the driver and one with the passenger. The “Reason for the Stop” for the driver would actually be “Traffic violation”, “Equipment violation” as stated in §999.226(a)(5)(A)(1)(b). The “Reason for Stop” for the passenger would be “Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation)”. To permit officers to only report the stop of the passenger is inconsistent both with the statute and the proposed regulations. The stop of the driver is a reportable stop as it does not fall within the exception found in section 999.227(c)(1)(A) because the stop was not made in conjunction with a traffic accident or emergency situation.

We object to the third example provided in section 999.226(a)(5)(B)(3) and recommend the proposed regulations be revised to edit the example to read:

Example: An officer pulls over a car for a broken taillight, and subsequently observes a switchblade in the lap of the passenger in the vehicle. The officer then asks the passenger to exit the vehicle. There are two reportable interactions under this scenario: one with the driver and one with the passenger.

(1) The interaction with the driver is reportable with the “Reason for Presence at Scene of Stop” reported as “Patrol” and the “Reason for Stop” reported as “Traffic violation”, “Equipment violation”.

(2) The interaction with the passenger is reportable with the “Reason for Presence at Scene of Stop” reported as “Patrol” and the “Reason for Stop” reported as “Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation),” followed by selection of the Penal code section for possession of a switchblade.

6. “Actions Taken by Officer During Stop”. Section 999.226(a)(6)(A) requires officers to select one or more 15 primary data values and numerous secondary data values to report what happened during the course of a stop.

- “Handcuffed”, section 999.266(a)(6)(A)(4). This provision needs to be modified to clarify that any restraints, including zip ties, that are used during a stop, must be reported.

We object to this data value and recommend the proposed regulations be revised so this data value reads: “Handcuffed, zip tied or otherwise restrained”.

- “Use of canine in apprehension”, section 999.266(a)(6)(A)(6). The inclusion of “in apprehension” places an unnecessary limitation on when a canine may be used and seems to foreclose the

looking for drugs.

We object to this data value and recommend the proposed regulations be revised to delete the phrase “in apprehension” from this data value.

- “Other use of force”, section 999.266(a)(6)(A)(9). This provision needs to include an open-text field where officers can briefly describe the use of force employed during the stop.

We object to this data value and recommend the proposed regulations be revised to add a mandatory open-text field to correspond to this data value.

- The data element for “Actions Taken by Officer During Stop” does not include a data value to capture those instances where a field sobriety or drug test are conducted during the course of the stop. Such actions are significant in nature both in terms of conducting the test as well as the potential ramifications for the individual stopped based on the results of the test.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Field sobriety or drug test”.

- The data element for “Actions Taken by Officer During Stop” does not include a data value where an officer can indicate when another agency was contacted in conjunction with a stop. For instance, an officer may call a mental health agency for support during a stop or may contact the Immigration and Customs Enforcement (ICE) or Drug Enforcement Administration (DEA). Such instances are significant and there should be specified data value that allows an officer to indicate that another agency was called to the scene and the officer should be further required to use an open-text field to indicate the specific agency contacted, such as ICE or DEA.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Other agency called to scene”. This data value should also have a corresponding mandatory open-text field where the specific agency can be identified.

- The data element for “Actions Taken by Officer During Stop” does not include a data value for instances where an officer does not remove or brandish a weapon, but takes actions consistent with a threat of use or brandishing a weapon, such as unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster. Such actions are intimidating and threatening to an individual and significantly changes the nature of interaction between individuals and law enforcement, thus should be captured in the interest of accurate and comprehensive data analysis.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Unbuttoning the holster or grabbing the weapon”.

- The data element for “Actions Taken by Officer During Stop” does not include a data value related to information or documentation taken as part of the stop, including the completion of a field interview card or other documentation used for subsequent investigation.

We recommend the proposed regulations be revised to add the following data value in response to “Actions Taken by Officer During Stop”: “Completion of field interview card or other investigatory documentation”.

“Basis for search”. Section 999.226(a)(6)(B)(1) requires officers to provide information related to the basis for a search. As previously stated, a mandatory open-text field should be required in addition to selecting any applicable specifically identified data values. Moreover, there should be a specific data value for “Other basis” that can be used in the event that none of the currently identified specific data values captures the basis for the search. As with any selection of a specific data value, an officer would be required to complete the open-text field to provide additional factual detail and

In addition, two of the data values specifically identified may be used by an officer's decision to search, or to do so without a warrant, but are insufficient legal basis for a search, specifically "Officer safety" and "Exigent circumstances/emergency" (see §999.226(a)(6)(B)(1)(b) and (l), respectively). The presence of these choices further underscores the need for an open-text field to allow officers to explain the basis for safety concerns or exigency.

We object to the omission of a mandatory open-text field in response to the "Basis for Search" data element and recommend the proposed regulations be revised to:

- Add a mandatory open-text field to be completed in addition to selecting any applicable specifically identified data values
- Add a data value of "Other basis" in response to this data element

"Result of Stop." Section 999.226(7) requires officers to report the result of stops and specifically provides a data value for "Person taken into custody (other than for arrest)". This data value lists multiple secondary data values, including "Referred to U.S. Citizenship and Immigration Services" (see §999.226(7)(F)(7)), which is misleading as drafted. Because U.S. Citizenship and Immigration Services is not an enforcement agency, a more appropriate secondary data value would reference actual immigration enforcement agencies, such as Customs and Border Protection (CBP) or ICE. Moreover, there is not a secondary data value that captures when an individual is transported to another agency that is not specifically identified.

We object to the current secondary data value identified in section 999.226(7)(F)(7) and recommend the proposed regulations be revised so that this secondary data value reads: "Referred to immigration agency (e.g. CBP, ICE, etc.)".

We further recommend the proposed regulations be revised to add an additional secondary data value to "Result of Stop": "Transferred/released to other agency". This data value should also have a corresponding mandatory open-text field where the specific agency can be identified.

9. "Perceived Gender of Person Stopped." Section 999.226(9) requires officers to report the perceived gender of a person stopped and sets forth generally appropriate data values. However, in the context of reporting stops related to children, which is particularly important in the school setting, the terms "Transgender man" and "Transgender woman" are misleading. Accordingly, the data values should be modified.

We recommend the proposed regulations be revised to change the data values found in sections 999.226(9)(3) and (4) to be revised to read as "Transgender Man/boy" and "Transgender Woman/girl", respectively.

10. "Perceived Age of Person Stopped". Section 999.226(10) requires an officer to report the perceived age of the individual stopped and provides nine data values with bracketed age ranges. However, the age ranges reflected in these specifically identified data values do not sufficiently distinguish between substantially different age ranges. For instance, the stop of a five-year old child is significantly different than the stop of a nine-year old. Similarly, the stop of a 10-year old is different than that of a 14-year old. Officers are required to report their perception of the age of an individual stopped and officers should be provided with meaningful age ranges to distinguish between different age groups.

We object to the data values currently set forth in response to this data element and recommend that the responsive data values for "Perceived Age of Person Stopped" read as follows:

- 0-6

- 10-12
- 13-14
- 15-17
- 18-24
- 25-29
- 30-39
- 40-49
- 50-59
- 60 and older

11. “Person Stopped had Limited English Fluency or Pronounced Accent”. Section 999.226(11) requires an officer to indicate when an individual stopped has limited English fluency or a pronounced accent. Although this is an important data element, the inclusion of “pronounced accent” is confusing and may lead to the collection of data related to whether an individual has a regional U.S. accent.

We object to the inclusion of “pronounced accent” and recommend that the data element be limited to “Person Stopped had Limited English Fluency”.

12. “Perceived or Known Disability of Person Stopped”. Section 999.226(12) requires an officer to indicate when an individual stopped has displayed signs of one or more conditions. In addition to the specific data values offered, an additional data value related to when an individual stopped has limited use of language should be included. Such a data value is different from the English Fluency data element because it captures those instances when someone is not capable of speech or has pronounced problems in speaking.

We recommend the proposed regulations be revised to add the following data value in response to “Perceived or Known Disability of Person Stopped”: “Limited use of language”.

13. Perceived Membership in the LGBT Community. The proposed regulations fail to include a data element to allow collection of any data related to perceived membership in the LGBT community, despite efforts by advocacy groups to include such information. Failure to collect such information will result in the loss of significant and meaningful data related to when interactions with law enforcement may be the result of bias against a member of the LGBT community, which is distinct from bias on the basis of perceived gender identity.

We recommend the proposed regulations be revised to add a data element for “Perceived Membership in the LGBT Community” where officers may simply check a box to indicate such a perception or choose between the data values of “yes” or “no”.

14. Race and Gender of Officer. Although section 999.226 requires the collection of officer specific information, including an “Officer’s Unique Identifier” (see §999.226(13)), the proposed regulations do not require the reporting of an officer’s race and gender. For accurate and effective data analysis, it is essential to capture the race and gender of officers. Without such information, a complete data analysis related to how and why biased policing occurs will not be possible. For instance, it will be important to know whether race or gender identity impact the prevalence of racial disparities in policing. These data elements will allow for greater understanding of whether there is a correlation between disparities and various characteristics of peace officers.

We strongly object to the failure to collect race and gender identity information for officers making stops and recommend that the proposed regulations be revised to include data elements collecting

the alternative, we recommend the proposed regulations should be revised to require that race and gender information be embedded in each officer's unique identifier required in section 999.226(a)(13) such that the race and gender of the officer recording the stop is made available to researchers and others conducting data analysis that is required under the statute.

15. "Officer's Years of Experience". Section 999.226(a)(14) requires the reporting of officer years of experience; however, the data values available as a response are large and do not provide sufficient detail for thorough analysis.

We object to the data values currently set forth in response to this data element and recommend that the responsive data values for "Officer's Years of Experience" read as follows:

- 0-4
- 5-9
- 10-14
- 15-19
- 20-24
- 25-29
- 30-34
- More than 34

Article 4. Reporting Requirements, 11 CCR § 999.227.

General Reporting Requirements. Section 999.227(a)(4) addresses a scenario when two or more reporting agencies are involved in a stop. However, this provision and the remainder of the proposed regulations appear to be silent on what occurs when a stop is conducted in conjunction with one or more non-reporting agencies.

We recommend the proposed regulations be revised to add clarifying language that officers subject to these reporting requirements are always required to report a stop, even if a stop is done in conjunction with one or more non-reporting agencies.

Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions. Section 999.227(c)(1) and (2) require officers to report interactions where additional specified actions and then references "the data values set forth in section 999.226, subdivision (a)(6)(A)". However, the actions listed in subdivision (a)(6)(A) include a data value for "None of the above". To ensure clarity, the reference to section 999.226 should be revised.

We recommend the proposed regulations be revised to change the references in sections 999.227(c)(1) and (2) to "subdivision (a)(6)(A)" to explicitly exclude "None of the above", currently section 999.226(a)(6)(A)(15).

Traffic control of vehicles due to a traffic accident or emergency situation. Section 999.227(c)(1)(A) excludes from reporting requirements "[t]raffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes." While the exclusion of traffic control in accidents or emergencies is appropriate, we are concerned that this language could be interpreted to include some traffic stops based on individualized suspicion of traffic or equipment violations if there is a justifiable public safety purpose behind enforcement – such as a stop for a broken tail-light. Because an individualized traffic stop outside a traffic accident or emergency situation may be a pretext for other enforcement, it is crucial that such stops be recorded.

We recommend that this exception be clarified to indicate that stops of particular vehicles based on

The undersigned signatories to these written comments commend the OAG and DOJ for incorporating feedback from community groups and organizations working with and on behalf of individuals most impacted by frequent law enforcement interactions and stops. In addition to previously submitted recommendations, we sincerely hope OAG and DOJ consider the objections and recommendations contained within this letter and revise the proposed regulations to reflect comprehensive and robust data collection that will allow both law enforcement and the public to determine when and where biased policing exists so that evidence-based and meaningful solutions may be implemented.

File



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**From:** [Krissy Powell](#)  
**To:** [AB953](#)  
**Subject:** Public Comment - AB 953 Regulations  
**Date:** Friday, January 27, 2017 11:44:14 AM

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Dear Ms. Ysrael and Ms Radez,

I live in Los Angeles, California and I cannot thank you enough for the work you have put into organizing committee meetings and public hearings in order to ensure that the implementation of the bill properly reflects voices of the people. Adding my voice to the many who have shared at these past meetings, I've included an outline of several issues I would like to advocate for.

All data is intended to get us one step closer to capturing discretion. The closer we get to meaningful data, the closer we get to meaningful stories. We need to ensure we are capturing the right data and that a single report filed should be able to provide a comprehensive story of the stop that ensued. I support the current regulations proposed by the Department of Justice, but would like to advocate for additional items to be included. As was exemplified by many who have shared at public hearings, an elaborate narrative is tightly wound to any single stop. Unfortunately, the current format for proposed regulations, allows for much of this narrative to slip through in final reports.

For data values that reference "Other", I support mandatory open narrative fields. In terms of data fields, I want to advocate for open narrative fields for: Reason for Stop → Other, Reasonable Suspicion, and Action Taken During Stop → None of the above. "Other" and "None of the Above" are unmatched to the stories these community members have been sharing. Introducing these narratives to dialogue in data collection also introduces them in police training and climate of police departments. Considering the impact of an interaction with an officer on an individual, this is not a bad thing. Accurate data collection that represents each police stop is good and honorable. The stories shared at these public hearings capture the narrative that is missed in a short police report, but could be provided with a few additional lines of information.

For duration of stop, I support an open narrative field if "over 60 minutes" is selected allowing for exact length of time.

In special settings of schools, I support adding an additional data element of ADHD under Disability.

I support a data element that allows to indicate perceived religion if known. This is particularly important for collecting data on Muslims who may be stopped more often in today's political climate. It is important that we be proactive in capturing this data now.

I support a data element, under gender that designates "perceived LGBT". If officers check this box and/or check it often it may contribute to a story of who is being policed. Regardless, training in this area may initiate critical dialogue among departments on who may be policed for their sexuality.

I support comments made by Judge Lytle that data collected should indicate if there was consent to stop and to search and seizure, if officers making the stop were in uniform. And if those stopped had any known or perceived disability as well as any indicators of their mental state (ie. Angry, confused, scared).

I would also like to advocate for collection of officer information that, when publicized, is de-identified to protect the officer. However, internally, this information regarding years of service,

gender and race is critical in identifying trends for departments and individual officers.

Many officers argue that the implementation of AB953 is too costly and too time consuming. Of course, this is weighed out against the lives of those stopped. What a disappointment to California citizens to be told that ensuring their safety is too costly and too time consuming to be worth it. Data collection is not a burden, but rather a pillar of transparency and accountability – things that “the people” expect from their “public servants”.

This is also a chance for growth in a time where we need reassurance from our police departments and our state government that we are loved, cared for and respected as community members. Perhaps this legislation cannot create justice in itself. Simply by developing a bill and regulations, we do not end all racial profiling and we may not immediately reduce unnecessary deaths, incarceration, and trauma caught in these stops. The fact that this data has not been collected historically is an insufficient excuse for why it cannot be collected now and collected well.

We are asking California to lead in making our public servants accountable. And we are asking California to lead in promising safe communities for its diverse populations. We cannot lead and we cannot succeed in creating safe communities without reliance on science. And we cannot effectively and scientifically research the situation without meaningful data.

Rather than meet the minimum standards of AB953, we should be striving for excellence. And our police department should be as well. Consider the many immigrants in California who have left militant countries. Consider the many Californians who have grown up in homes or communities wrought with trauma. Consider the many citizens who hear their police express resistance rather than advocacy for ensuring an end to racial profiling. We ask that the Department of Justice and the Attorney General acknowledge officers’ voices and acknowledge citizens’ voice and develop regulations that represent the community asking to be served. Initiated by the community and for the community, these voices should carry a far greater weight than officers. Additionally, this is not an “us versus them” moment; we need police to believe this is worth it too and that it serves as accountability and security for their own individual positions. This is a critical responsibility for officers to not only police communities, but do everything in their power to ensure safety. And a critical responsibility for DOJ to remind them of this.

Please move forward with these regulations keeping in mind the narratives shared at these public hearings from community members. And please keep in mind, that once this bill has been implemented, those who write the narrative will only be police. So, as people, this is our only opportunity to place community narrative at the forefront, ensuring responsive community policing. This is entirely new territory and while police may advocate to tread lightly and slowly, I’m imploring you to champion forward with implementation, knowing we are making history and leading critical dialogue in doing so.



## Gregory J. Ahern, Sheriff

Director of Emergency Services  
Coroner - Marshal

(510) 272-6866

January 25, 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael:

The Alameda County Sheriff's Office has dedicated tremendous energy in the review of the Racial and Identity Profiling Act (RIPA) of 2015. Our mission was to evaluate the proposed required data collection elements and recommend a program that did not severely hamper community service to the citizens we proudly serve.

The Alameda County Sheriff's Office believes there needs to be a modification to the regulations and a mechanism to capture factual data as opposed to perceptions which are commonly inaccurate. It is our recommendation that data collected in regards to RIPA be easily captured from state issued identification. In addition to the information generated from the identification card or license, law enforcement should capture the data on the subject's perceived race, since this data is not available on a state issued identification card or license. Though RIPA will prolong the administrative tasks assigned to law enforcement, a clear picture will be obtained from collecting the following data elements:

- Perceived Ethnicity (Based on observations during the contact)
- Gender (Based on admission or official document)
- Age ( 0-17 / 18-28 / 29-39 / 40-50 / 50-Older)
- Reason for contact (Consensual / Probable Cause / Call for Service)
- Disposition of contact (Arrest / Citation / Verbal warning / Assistance Provided)
- Search results (Searched-evidence seized / Searched-no evidence seized / Not searched)
- Authority for Search (Consent / Parole or probation / Arrest / Vehicle inventory / Probable cause / No search)

The capture of data beyond the scope listed above will deter law enforcement action with the citizens served. It will result in the reduction of community policing as outlined in the 21<sup>st</sup> century policing presidential report. As seen in other parts of the nation, when law enforcement is tasked with excessive administrative duties, as opposed to community interaction, citizens will have the increased potential to become victims of crime due to law enforcement unavailability.

Furthermore, I am of the opinion that this legislation was enacted to establish a method to determine if law enforcement officers specifically focus on individuals based on observable characteristics. My agency has compiled the data listed above for over ten years and we continue to do so. It is my belief that the data elements listed above related to the appearance of individuals, constitute the only data elements which could reasonably be perceived by members of law enforcement prior to any enforcement action. As such, the myriad data elements currently under consideration would not provide any insight into the mindset of law enforcement officers at the point where a decision is made to contact an individual. The enormous investment of time and resources required to collect all of the data currently being considered can be ameliorated by requiring the data elements suggested in this letter. My deputies are able to report on this information immediately after citizen contact in a simple and cost effective manner through our Computer Aided Dispatch System.

I hope that you will seriously consider my suggestions. If I can provide further information please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Gregory J. Ahern". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gregory J. Ahern  
Sheriff-Coroner

GJA:cds



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January 27, 2017

*Submitted electronically to [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)*

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612

**RE: Notice of Proposed Rulemaking, Comments on Regulations  
Implementing the Racial and Identity Profiling Act of 2015  
(AB953)**

Disability Rights California is an independent, private, nonprofit, disability rights organization representing people with disabilities to ensure that their rights are protected. Disability Rights California is California's designated Protection and Advocacy system.<sup>1</sup> We support the regulations implementing the Racial and Identity Profiling Act of 2015 (Act or AB 953)<sup>2</sup> and provide the following additional comments to the draft language proposed.

Disability Rights California is encouraged that law makers, the Department of Justice, and the Racial and Identity Profiling Board (RIPA) recognize that people with disabilities often are disproportionately subjected to negative

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<sup>1</sup> 42 U.S.C. § 10801 *et seq.*; 42 U.S.C. § 15001 *et seq.*; CAL. WELF. & INST. CODE § 4900 *et seq.* See also DISABILITY RIGHTS CALIFORNIA, [www.disabilityrightsca.org](http://www.disabilityrightsca.org).

<sup>2</sup> CAL. CODE REGS. tit. 11 § 999.224 *et seq.*

interactions with law enforcement.<sup>3</sup> In the worst instances, these interactions can escalate to use-of-force incidents. At least a third of people killed by law enforcement during such scenarios are people with disabilities.<sup>4</sup>

Individuals with mental health disabilities often face stigma and bias because of the false assumption that people with mental health challenges are dangerous or violent.<sup>5</sup> Likewise, a person with a cognitive disability or speech or hearing impairment who fails to understand commands by law enforcement is seen as noncompliant and dangerous. In these circumstances, harmless disability-related behavior may be seen as suspicious behavior or worse, potentially violent. Police officers and law enforcement personnel are not immune to these prejudicial perceptions of persons with disabilities.<sup>6</sup>

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<sup>3</sup> *Law Enforcement Responses to Disabled Americans - Promising Approaches for Protecting Public Safety: Hearing Before the Subcomm. on the Constitution, Civil Rights and Human Rights of the S. Comm. on the Judiciary*, 113th Cong. (2014), available at [https://www.judiciary.senate.gov/meetings/law-enforcement-responses-to-disabled-americans\\_promising-approaches-for-protecting-public-safety](https://www.judiciary.senate.gov/meetings/law-enforcement-responses-to-disabled-americans_promising-approaches-for-protecting-public-safety); David M. Perry, *How Misunderstanding Disability Leads to Police Violence*, THE ATLANTIC (May 6, 2014), <http://www.theatlantic.com/health/archive/2014/05/misunderstanding-disability-leads-to-police-violence/361786>.

<sup>4</sup> DAVID M. PERRY & LAWRENCE CARTER-LONG, THE RUDERMAN WHITE PAPER ON MEDIA COVERAGE OF LAW ENFORCEMENT USE OF FORCE AND DISABILITY: A MEDIA STUDY (2013-2015) AND OVERVIEW (2016), available at <http://www.rudermanfoundation.org/news-and-events/ruderman-white-paper>.

<sup>5</sup> Patrick W. Corrigan & Amy C. Watson, *Understanding the Impact of Stigma on People With Mental Illness*, 1 WORLD PSYCHIATRY 16 (2002), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1489832>; Patrick W. Corrigan et al., *Challenging Two Mental Illness Stigmas: Personal Responsibility and Dangerousness*, 28 SCHIZOPHRENIA BULLETIN 293 (2002), available at <https://www.ncbi.nlm.nih.gov/pubmed/12693435>; Patrick W. Corrigan et al., *Police Officers' Attitudes Toward and Decisions About Persons With Mental Illness*, 55 PSYCHIATRIC SERVICES 49 (2004), available at <http://ps.psychiatryonline.org/doi/abs/10.1176/appi.ps.55.1.49>; Vassiliki Psarra et al., *Greek Police Officers' Attitudes Towards the Mentally Ill*, 31 Int'l J.L. & Psychiatry 77 (2008), available at <http://www.sciencedirect.com/science/article/pii/S0160252707001082>.

<sup>6</sup> Lars Hansson and Urban Markström, *The Effectiveness of An Anti-Stigma Intervention in a Basic Police Officer Training Programme: a Controlled Study*, BMC PSYCHIATRY (2014), available at <http://bmcp psychiatry.biomedcentral.com/articles/10.1186/1471-244X-14-55>; Harold Braswell, *Why Do Police Keep Seeing a Person's Disability as a*

The regulations implementing AB 953 are a critical first step to identifying law enforcement jurisdictions that exhibit discriminatory practices by requiring the collection of data that may reveal patterns of profiling and discrimination. The data will also allow the public and advocacy organizations to hold outlier jurisdictions accountable and encourage their adoption of successful disability-related practices, such as disability cultural competency training and Crisis Intervention Training. It will also allow advocacy organizations, like Disability Rights California, to focus advocacy efforts on behalf of the affected disability community. The data may also provide information about the availability of disability services in the impacted community.

### **Article 3. Data Elements to Be Reported**

Disability Rights California urges that any data field that contains the option for an “Other” category include a narrative space that requires the officer to explain the reasoning for the “Other” selection. This is particularly important when involving a person with a disability because the individual’s disability may not be easily identified or the individual may not be willing to disclose his or her disability.

### **Definitions**

The definition of “Reporting Agency” should include police and law enforcement agencies at state facilities operated by the Departments of Developmental Services and State Hospitals. Residents living at some of these facilities are free to move about the campus and are often in a position where they may encounter state facility or local police. Expressly including state facility law enforcement is consistent with AB 953’s definition of a “peace officer” which includes “the...Office of Protective Services...at the State Department of the Developmental Services...and the State Department of the State Hospitals.”<sup>7</sup>

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*Provocation?*, WASH. POST, Aug. 25, 2014, [https://www.washingtonpost.com/posteverything/wp/2014/08/25/people-with-mental-disabilities-get-the-worst-and-least-recognized-treatment-from-police/?utm\\_term=.177d21a41a97](https://www.washingtonpost.com/posteverything/wp/2014/08/25/people-with-mental-disabilities-get-the-worst-and-least-recognized-treatment-from-police/?utm_term=.177d21a41a97).

<sup>7</sup> CAL. PENAL CODE §§ 830.3, 830.38(a).

## Data Elements To Be Reported

Disability Rights California recommends that “(m) mobility device” and “(n) sensory aid or device” be added to the list of property seized in Section 996.226(a)(6)(C)(2), “Type of Property Seized.”

Mobility device includes canes, scooters, wheelchairs, and any other device that the subject may utilize to ambulate or move. Sensory aid or device could mean hearing aid or a blind cane (also known as a “White Cane”). Including these items provides not only information regarding an individual’s disability, but also reveals practices that could constitute outright harassment of the person.

Disability Rights California reiterates that the “Other evidence” category under this section must contain a space for a narrative report by the officer.

In Section 999.226(a)(12) “Perceived or Known Disability of Person Stopped,” we recommend the following *additional* data elements:

- (D) Speech or hearing impairments
- (E) Intellectual or Cognitive Disability
- (F) Autism Spectrum Disorder
- (G) Other Disability

As described above, Disability Rights California recommends that the “Other” category contain space for a narrative description of the perceived disability.

## Affirmative Inquiry about Disability

Disability Rights California recommends that the regulations expressly permit officers to affirmatively inquire about whether the subject has a disability and explain that he or she is not required to disclose that information. The Americans with Disabilities Act requires that law enforcement take affirmative steps as needed to ensure that disability discrimination does not occur.<sup>8</sup> Inquiring about a disability may assist the

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<sup>8</sup> See, e.g., *Sheehan v. City & Cnty. of San Francisco*, 743 F.3d 1211, 1231 (9th Cir. 2014).

officer in how to approach an individual in a manner that is sensitive to the individual's disability needs and better inform the officer about the individual's disability-related behaviors.

### **HIPAA Restrictions Not Applicable**

Disability Rights California holds the position that the disability data collected pursuant to the regulations is not subject to the federal Health Insurance Portability and Accountability Act (HIPAA).<sup>9</sup>

Law enforcement officers and agencies are not "covered entities" under HIPAA, which extends only to healthcare providers and health plans.<sup>10</sup> Furthermore, the data collected by law enforcement is not "personally identifiable," and therefore not subject to HIPAA.<sup>11</sup> There is no subject name or any other information collected that allows the public to ascertain the identity of the subject. The AB 953 data is submitted as an aggregate, beyond the scope of HIPAA confidentiality, which governs health information that is tracked to an identifiable individual.<sup>12</sup>

Thank you for giving us the opportunity to comment on these proposed regulations. Please let me know if you have any questions regarding these comments.

Respectfully Submitted,



Jung Pham  
Staff Attorney, Disability Rights California

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<sup>9</sup> 45 C.F.R. §§ 160.102, 162.100, 164.104 (defining covered entity under HIPAA as health plans, healthcare providers, and health care clearinghouses). See *generally* 42 U.S.C. § 201 *et seq.*

<sup>10</sup> 45 C.F.R. §§ 160.103, 162.103, 164.104.

<sup>11</sup> 45 C.F.R. § 160.103.

<sup>12</sup> *Id.*

January 27, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Dear Ms. Ysrael,

The Ventura County Sheriff's Office has conducted a thorough review of AB 953, Government Code 12525.5, and the Text of Proposed Regulations released by your office. I am deeply concerned over your office's data collection recommendations, which go well beyond the scope of data collection required by AB 953.

The data collection guidelines proposed by your office will have a detrimental impact on public safety in Ventura County and throughout the state. To put the impacts in perspective, in 2016, my deputies responded to more than 35,000 calls for service and conducted more than 62,000 traffic and pedestrian stops that resulted in detentions. This amounts to roughly 100,000 events that would trigger reporting pursuant to AB 953.

Although AB 953 and Government Code 12525.5(b) require only approximately 20 different data points to be collected during detentions, the Department of Justice (DOJ), in consultation with the RIPA Board and other stakeholders, recommended in the text of their proposed regulations more than 150 data points that will have to be reviewed, collected, and reported for every law enforcement detention.

The difference between data collection pursuant to AB 953 and the DOJ's proposed regulations is staggering. In order to get a most accurate projection we developed a collection tool and had a sampling of our deputies utilize it over a period of days in the normal course of their duties. Based on that sampling estimate, our agency will spend 8,000 to 14,000 additional hours to collect data pursuant to your office's proposed regulations over what we would spend if we simply collected the data required by AB 953. This represents between \$800,000 and \$1.4 million in lost proactive policing time. In addition to impacted staff time, it will cost an estimated \$100,000 to develop a method to collect and report the data.

Based on these figures, it is apparent the amount of time our deputy sheriff's will have to conduct proactive policing will diminish dramatically. The cities we police are consistently rated as some of the safest cities in the United States, which in no small part results from the positive effect proactive policing has in keeping our crime rates low. The reduction in free time to proactively police will have an adverse impact on the number of stops our deputies conduct and more importantly, response times to emergency requests for help will undoubtedly increase. The data collection requirements proposed by your office represents time our deputies would be proactively patrolling, building relationships with community members and responding to the needs of our communities. The effect of the additional data collection will be profound, and the people it hurts the most are those we are sworn to protect, our citizens.

Aside from the burdensome reporting requirements, the proposed regulations do little to provide context that is so important in many encounters. Nationwide, and in California, violent gang crime remains a persistent threat. Most of the gangs in Ventura County are Hispanic street gangs, so it is reasonable to assume that deputies assigned to our various gang units will come into contact with a disproportionate number of Hispanic individuals. This will result in the appearance of biases that simply do not exist. Additionally, these regulations require deputies to report a person's race, ethnicity, age, gender, disability and English proficiency while specifically prohibiting deputies from asking the person. This amounts to deputies "guessing" on the most critical data points. Broad conclusions with tremendous implications will be drawn from this data, but it will be based on guesses and not on facts.

Should these proposed regulations proceed in their current form, it will have a serious effect on public safety. One could look to the Chicago Police Department for concrete evidence of how the collection of stop data can impact a community. Their implementation of stop data collection, similar to that required in these proposed regulations, has drastically reduced self-initiated activity by over 80% in one month alone. This is, in part, resulting from the amount of time officers spend collecting stop data.

While I understand the importance of the data collection as passed by our representatives and signed by the Governor, the DOJ's proposed regulations far exceed the scope of AB 953. The excessive requirements will take my deputies off of the streets and will increase wait times of citizens in need. I encourage your office to require only the data collection stipulated in AB 953.

Best regards,



Geoff Dean, Sheriff  
Ventura County

**AB953**

**From:** Sharon Hoffmann [REDACTED]  
**Sent:** Friday, January 27, 2017 2:17 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

January 27, 2017

Social Networks



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 2:17pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sharon Hoffmann

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

Due to our experience of racial profiling, harassment, abuse and murder, we feel that the policing system itself is a racist structure that endangers, divides and kills our people. We need a new way of policing. That starts by getting data to provide real recommendations.

File



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**AB953**

**From:** Todd Benson [REDACTED]  
**Sent:** Friday, January 27, 2017 2:18 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 27, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 2:17pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email [REDACTED]

Name: Todd Benson

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

The Fraternal Order of Police supported a candidate for president who was openly racist and sexist.

There have also been multiple examples in the press of police treating people of color differently, and often violently. For these reasons, we need data on police stops - police need to be held

accountable for their behavior, just as all of us are accountable for results in our day jobs. This is not something burdensome, but a source of data that our communities need in order to make sure that people aren't targeted unfairly by law enforcement

File



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**AB953**

**From:** Sharon Reinbott [REDACTED]  
**Sent:** Friday, January 27, 2017 3:18 PM  
**To:** AB953  
**Subject:** Comment Regarding Proposed Regulations



State of California Department of Justice  
*Xavier Becerra ~ Attorney General*

Social Networks

January 27, 2017



## Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 3:17pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Sharon Reinbott

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

We citizens need the police to recognize that their organization is a racist structure, profiling people of color needlessly. And you MUST collect the data on your stops, so we can understand how and why you stop people of color more than us "white folks". The RIPA board needs to have as much data as possible, and the only way they can get that data is if officers enter it. Officers are accountable to the public, and entering this data is what the public wants. So do it without complaint. I'm a software developer and can help make the interface easy and straightforward if that's needed - no need to make extra work because of a bad interface. Meanwhile, do the work.

Thank you. Sharon Reinbott, Oakland, CA

File



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January 27, 2017

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612

RE: Additional Signatories to Written Comments to Proposed AB 953 Regulations by Coalition of  
AB 953 supporters

Dear Ms. Ysrael and Ms. Radez,

This letter serves to notify the Office of Attorney General (OAG) and California Department of Justice (DOJ) that there are additional organizations that have signed onto the January 25, 2017 letter from organizations that co-sponsored and supported the passage of AB 953. Specifically, the following organizations have added their support to the recommendations identified in the January 25, 2017 letter:

Black Lives Matter – California  
Californians for Justice  
Clergy and Laity United for Economic Justice  
Los Angeles Community Action Network (LA CAN)  
National Action Network Los Angeles  
Price Student Organization Collaborative  
Riverside All of US or NONE  
Starting Over, Inc.

Sincerely,

ACLU of California



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January 27, 2017

Catherine Z. Ysrael,  
Deputy Attorney General, Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013

RE: DRAFT REGULATIONS ON AB 953 RACIAL PROFILING

Dear Ms. Ysrael:

The Association for Los Angeles Deputy Sheriffs, the California Narcotic Officers Association, the Los Angeles County Professional Peace Officers Association, the Los Angeles Police Protective League and the Riverside Sheriffs Association have joined together to comment on the draft regulations for data reporting under the Racial and Identify Profiling Act of 2015, which is also known as AB 953.

At the outset, we would respectfully suggest that the regulations have not paid sufficient attention to the deleterious impact the proposed regulations will have on public safety by virtue of these proposed regulations significantly increasing the time officers will be spending “reporting” rather than “policing”. Although we each voiced these concerns when AB 953 was being evaluated during the 2015 Legislative year, our concerns went unheeded at the time. Sadly, the proposed regulations prove that our concerns were valid ones. Indeed, the proposed regulations go well beyond what is necessary to capture the stated intent of AB 953.

With all respect, we do not believe the Department of Justice proposed regulations pay sufficient attention to the potential economic and public safety impacts of their proposed regulations. The California Administrative Procedures Act requires that all major regulations must include an economic impact assessment that requires the regulations, “be based on adequate information concerning the need for, **and consequences of**, proposed governmental action.” (CA GOV Code Section 11345.3 (a)(1)).

However, in the Notice of Proposed Rulemaking Action released by the DOJ, the results of the economic impact analysis state that there will be no adverse impact on the “health and welfare of California residents, (or) worker safety.”<sup>1</sup> What this statement fails to acknowledge is the undeniable aggregate resource reduction these regulations will have on the reporting officer’s time, and on law enforcement’s availability to protect and serve. Empirical studies have shown that comparable reductions have had impacts on crime, victimization, and the economy.

It may not appear that five minutes of an officer’s time to report the required data forms will have significant impact, but considering the total number of estimated stops conducted each year, the statewide aggregate time complying with these proposed regulations cannot be so cavalierly

discounted. The California Highway Patrol (CHP) employs over 74,000 officers and about four million total public contacts annually. Nearly every one of those stops will be reportable under these proposed regulations

In like manner, municipal police departments and county sheriff offices employ nearly 70,000 officers in California. Even with the most conservative estimates, it is not unlikely we will see over 10 million stops reported under these regulations **each year** when AB953 is fully implemented. With such a high volume of reporting, the individual time it takes to fill out each report becomes increasingly significant.

When estimating the added reporting time from these regulations, it is critical to look beyond the time simply filling out each report, and also evaluate the total time added before an officer can clear their current incident and return to patrol. In instances that place an officer in hazardous or dangerous locations at the scene of the stop, officers will relocate to fill out the report before clearing the call and returning to patrol or responding to other pending calls for service. Current traffic or pedestrian stops without a citation that do not require any reporting may now create the need for an officer to travel to a location where they can more safely complete the reports associated with these draft regulations. Even if it only takes five minutes to fill out the report, it may likely take an additional five minutes to relocate. It is not unreasonable to then estimate a stop taking up to an additional ten minutes. During that time, the officer will not be available to respond to calls for service or continue monitoring crime, which is where the economic and public safety impacts become clear.

Using these conservative estimates – 10 million stops at 10 minutes each – we can predict the actual impact these regulations will have across the state: a total reduction of 1.7 million hours annually of officer time removed from protecting the peace. That is equivalent to the working hours of 800 full-time officers serving our communities. The loss of 800 full-time police officers, who would essentially be unavailable to deliver public safety services as a result, will unquestionably have an impact to our state. Any re-evaluation of these proposed regulations needs to factor in this operational reality. We believe that such a re-evaluation is required by law and short-changes communities in their expectation of and need for public safety services.

Sincerely,



Tim Yaryan  
Legislative Counsel  
Association for Los Angeles Deputy Sheriffs  
Los Angeles Police Protective League  
Riverside Sheriffs' Association



John Lovell  
Legislative Counsel  
California Narcotic Officers Association  
Los Angeles County Professional Peace Officers Association



January 27, 2017

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612  
Phone: (213) 897-2039  
Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

**Re: Proposed Regulations implementing AB 953**

California Rural Legal Assistance, Inc., (“CRLA”) submits these comments in support of, and seeking revision of the proposed regulations implementing AB 953. We support the drafters’ efforts to include specific criteria for reporting and examples clarifying when various reporting requirements apply. In our view all of the mandatory data reporting requirements included in the proposed regulations are consistent with the intent and purpose of AB 953 and fundamental to effective implementation. However, there are some areas that we believe should be expanded or clarified. We also believe that the decision to exclude some reporting categories will impede the policy objectives of AB 953, which strives to improve transparency and reduce disparities in policing while promoting diversity and identity sensitivity in law enforcement.

CRLA is a non-profit legal services organization that has provided legal aid to individuals in the rural areas of California for 50 years. The guarantee of civil rights and education rights have been a fundamental part of our mission since our inception. In recent years school districts have increasingly relied on police as a primary responder to incidents that occur on school sites. Many defend this trend as promoting safety for teachers and students alike. However, our clients and community leaders relate stories that suggest it has led to a change in culture from intervention to policing. This has resulted in the criminalization of student behaviors. It has also brought along with it the intentional and implicit biases and racial and cultural profiling that have been demonstrated to exist in police departments. This is particularly so in rural areas where police staff are far less likely to be representative of the community they are sworn to serve. Additionally, in rural areas there is much greater isolation of some religious communities and of the LGBT community leading to a lack of understanding and intolerance that also leads to false assumptions and profiling of individuals from these communities.

Our comments reflect a desire to ensure that the reporting requirements required by AB 953 generate data that will capture the experiences of the students, parents and community members that we represent so that policing agencies, and schools can learn from that data and develop effective strategies to address the inequities that exist in our current system.

### **Suggested Additions/Clarifications to the Proposed Regulations.**

The following comments and recommendations focus on the regulations that apply to school sites either specifically or because they address a general definition or reporting category applicable to all stops.

#### **11 CCR 999.224(a)(15): “Student” defined**

The proposed definition of student excludes special education students in non-public school settings that are funded or paid for by public school districts. Students in these settings may have more severe disabilities and greater behavioral needs. In our experience, it is not uncommon for police officers to be called out to these placements to intervene and children may be charged with a juvenile offense based on behaviors exhibited at these schools. We suggest that this definition be expanded to make it clear that those students are included in the definition.

Additionally, students who have disabilities may receive special education services up until 22 years of age. It is not clear from the proposed regulation that they are included in the definition of student. Adding the language “and students up to 22 years of age who are being provided special education services” to the end of subsection 15 would clarify this.

There should be an additional example or two regarding students with disabilities. For instance:

- Example (E): A 21 year old special education student enrolled in a public school is a student for purposes of these regulations.
- Example (F): A special education student enrolled in a non-public school is a student for purposes of these regulations.

#### **11 CCR 999.224(a)(17): “Weapon” defined**

The proposed definition of “weapon” does not include the use of water cannons or tear gas. While we understand that this exclusion may be driven by the perception that these are not generally used in individual stops, in fact, they can be used in situations that began with a response to a reported incident rather than in a crowd control setting and should be included as a weapon for reporting purposes when used under such circumstances.

11 CCR 999.226(a)(5)(A)(4): probable cause to search

If this is selected, the officer should be required to provide additional data regarding the grounds for probable cause to search similar to what is required when officers select “(2) reasonable suspicion that person stopped was engaged in criminal activity”.

We suggest that the following language be added: “When selecting this data value, the officer shall select at least one of the following data values...” and that it include specific listings such as: “1) Witness tip; 2) suspicious smell; 3) dog signaled during canine detection; 4) metal detector activated; 4) attempts to conceal object; 5) other.”

11 CCR 999.226(a)(6)(A): action taken by officer during stop

One of the subsections ((7), (8), or (9)) should be revised to report the use of a water canon or tear gas during a reportable stop.

Because of the need to closely monitor stops including juveniles to ensure that they are afforded treatment consistent with their age, we propose that new subsections should be added to include reporting of the following actions during a stop:

- “Contacted parent/guardian or other person responsible for minor”
- “Written statement obtained from minor suspect”
- “Admission obtained from minor suspect”

11 CCR 999.226(a)(11): perceived limited English proficiency or pronounced accent

This reporting requirement is of particular importance to CRLA communities where there are large communities whose primary language is not English. In rural areas we find a lack of multiple language resources in police agencies that has resulted in confusion, improper arrest and incarceration of individuals who simply could not make themselves understood. We propose that if this item is selected, the officer should be required to provide additional data regarding the perceived primary language, including:

- Perceived language: (insert language) \_\_\_\_\_; or Language undetermined \_\_\_\_\_.
- Interpretation/translation assistance used: Yes \_\_\_\_\_, No \_\_\_\_\_
  - If so, agency provided or other?

11 CCR 999.226(a)(12): perceived or known disability

The categories of disability seem too restrictive/limiting. For example, it’s not clear what an officer should select when stopping a child with Attention Deficit Hyperactivity Disorder (ADHD). We propose that additional data elements be added including:

- “learning disability” and
- “other disability”

11 CCR 999.227(a)(6): multiple persons stopped

The regulations require a stop data form to be completed for each person stopped during one incident, but it is not clear if there is a mechanism to link or code related reports (for instance, some kind of unique incident identifier code that will be included on each person’s stop report for that incident). In order to be able to determine whether suspects of different races, ethnicities or language abilities are treated comparably, we recommend that there be some kind of unique incident identifier code to make it easier to analyze/identify the disparate treatment of individuals involved in one particular incident.

11 CCR 999.227(d)(1) Reporting requirements for stops of students in a k-12 public school setting

It is not clear whether current reporting requirements cover interactions in which student is questioned to determine whether the student is truant. This should be an express reporting requirement since truancy is a frequent grounds for referring students to the courts. Arguably this reporting is encompassed in 999.227(d)(1)(B), but it should be made explicit.

11 CCR 999.227(d)(2)(B) reasons for stop of student

Again, we recommend that “investigation to determine whether the student stopped was truant” be added as an additional reportable reason.

11 CCR 999.227 (d)(2)(B)(3) investigation to determine whether the student stopped was engaged in conduct warranting discipline under Educ. Code §§ 48900, 48900.2, 48900.3, 48900.4, and 48900.7.

This subsection should include a drop down menu that sets forth violations encompassed in the listed Education Code sections. Without a drop down menu listing specific Education Code offenses, meaningful data regarding racial disparities in school-based policing will be impossible to collect. Research has consistently shown that students of color are disproportionately policed and disciplined for nonviolent and discretionary offenses such as “obscenity” or “disruption.” However, the way the subsection is currently written, a police officer would check the same box if a student engaged in “disruption” as he/she would if a student committed sexual assault.

The following language from the listed Education Code sections should be included in a drop down menu:

- Caused, attempted, or threatened to cause physical injury to another person. Edu. Code § 48900 (a)(1).

- Used force or violence upon the person of another. Edu. Code § 48900(a)(2).
- Possessed, sold, or otherwise furnished a firearm, knife, weapon, explosive, or other dangerous object. Edu. Code § 48900(b).
- Possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance, alcoholic beverage, or intoxicant of any kind. Edu. Code § 48900(c).
- Offered, arranged, or negotiated to sell a controlled substance, intoxicant, or alcoholic beverage. Edu. Code § 48900(d).
- Committed or attempted to commit robbery or extortion. Edu. Code § 48900(e).
- Caused or attempted to cause damage to or steal school property or private property. Edu. Code §§48900(f), (g).
- Possessed or used tobacco or nicotine products. Edu. Code § 48900(h).
- Committed an obscene act or engaged in habitual profanity or vulgarity. Edu. Code § 48900(i).
- Possessed or offered, arranged, or negotiated to sell drug paraphernalia. Edu. Code § 48900(j).
- Disrupted school activities or otherwise willfully defied the authority of teachers, supervisors, administrators, or other school officials. Edu. Code § 48900(k).
- Knowingly received stolen school property or private property. Edu. Code § 48900(l).
- Possessed an imitation firearm. Edu. Code § 48900(m)
- Committed or attempted to commit a sexual assault or sexual battery. Edu. Code § 48900(n).
- Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding. Edu. Code § 48900(o).
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. Edu. Code § 48900(p).
- Engaged in, or attempted to engage in, hazing. Edu. Code § 48900(q).
- Bullying. Edu. Code § § 48900 (r)(1)-(r)(2)(iii)
- Sexual Harassment. Edu. Code § 48900.2.
- Committed, attempted to cause, or threatened to cause an act of hate violence. Edu. Code § 48900.3.
- Harassment, threats, or intimidation directed against school district personnel or pupils. Edu. Code § 48900.4.
- Terroristic threats against school officials or school property, or threats to commit a crime which will result in death, great bodily injury, or property damage in excess of one thousand dollars. Edu. Code § 48900.7.
- Other—with the inclusion of a narrative box to explain student conduct leading to the officer stop.

As discussed in the AB 953 board meeting on January 26, 2017, it is also exceedingly important that a narrative field be added to this subsection so officers can provide context for their decision to stop a student.

11 CCR 999.227(d)(2)(C) basis for search

It appears that “Suspected violation of school policy” is the only data value that an officer can select if a search is conducted of a student. This is far too broad and discretionary to be of any value. For example, being disrespectful may be a “violation of school policy” as could a weapon violation. Data should be reported in a manner that allows for review of exactly what prompted the search. We recommend adding the following data requirements:

- suspected possession of a weapon
- suspected possession of a controlled substance

We also recommend that additional data values be added here to capture the basis for the suspicion (e.g., tips/informants, metal detector activated, dog signaled during canine detection, etc.) and have the officer mark all that apply.

11 CCR 999.227(d)(2)(E) result of stop

In addition to the other data reporting requirements we recommend that you add “Contact parent/legal guardian or other person responsible for the minor.”

**Other School Incident Data that Should be Collected**

The proposed regulations restrict the types of interactions or “stops” by officers of non-students that are reportable. Notice of Proposed Rulemaking Action, p. 8. We are aware of a number of incidents where police are called on “disruptive” or upset parents, who are told they must leave campus. During some of these encounters police have been used to threaten immigrant parents. We recommend including reporting categories that would capture the fact that a parent was stopped or searched while on school premises.

**Definition of Search Should Expressly Include Real Property**

11 CCR 999.224(a)(13)

The definition of search should expressly include real property (home, apartment, common area) and should not be limited to personal property or property under the control of the person stopped. There are many stops and searches that involve searches of real property, i.e., locations, rather than personal property, and real property in which the person stopped might be located but does not control. The searches also might involve other persons located in the same place, but not initially stopped, and very well might

involve other persons and might be based on identity and profiling of persons in the location.

### **Data Elements to be Recorded**

CRLA supports 11 CCR 999.226(a)(9)'s inclusion of data collection with respect to the officer's perception that the person stopped is transgender or gender non-confirming. The collection of this data regarding the perceived gender of the person stopped is critical because CRLA has found that transgender women in the rural communities we serve have been unreasonably profiled by police. That said, certain omissions from the data elements to be collected pursuant to 11 CCR 999.226 should be reconsidered, as discussed below.

### **11 CCR 999.226 Should Include Perception of Religion, Sexual Orientation, and Homeless Status**

The Racial Identity and Profiling Act defines racial or identity profiling to include relying on a person's actual or perceived (1) race, (2) color, (3) ethnicity, (4) national origin, (5) age, (6) religion, (7) gender identity or expression, (8) sexual orientation, or (9) mental or physical disability in determining whether to subject the individual to a law enforcement stop. As drafted, the regulations require law enforcement to collect data regarding only seven of these nine characteristics, excluding perceived religion and sexual orientation. Penal Code §13519.4(e). Without data regarding perceived religion and sexual orientation, it will be impossible to determine whether there is express or implicit bias against individuals perceived to belong to a non-Christian religion, such as Islam, Sikhism, or Judaism, or individuals perceived as gay, lesbian, or bisexual. Data collected pursuant to the Act's mandates should include the law enforcement officer's perception regarding whether the individual stopped falls within one or more of all nine protected classes.

Including perception of religion is critical in a time when incidents of hate crimes against individuals based on religion is rising. The FBI reports that hate crimes against Muslims rose 67% in 2015. Public discourse now includes reference to Muslim databases and a ban on immigration for Muslims. Religious discrimination against Muslims also encompasses individuals who may appear to be Muslim, such as Sikhs. The Sikh American Legal Defense and Education fund has noted: "Sikh Americans are often mistaken for Muslims because of ignorance, and recent surveys have suggested a huge increase in anti-Muslim bigotry in the aftermath of the 9/11 attacks. . . ." A rise in hate crimes against individuals perceived as Muslim may correspond to similar biases held by some law enforcement officers.

We disagree with the decision to exclude perceived homeless status, perceived religion and perceived sexual orientation from the reporting categories. The Notice of Proposed Rulemaking Action (NOPA) identifies some issues that were considered when rejecting these categories, but does not provide any factual basis that supports excluding them.

NOPA, p. 6. DOJ should reconsider the exclusion of additional data elements cited on page 6 of the Notice of Proposed Rulemaking, especially (1) perceived sexual orientation, (2) perceived religious orientation, and (3) perceived homeless status, because these indicia are related to many claims of discrimination, complaints about hate violence, complaints about excessive or improper enforcement or conduct and concerns related to profiling. Individuals who fall into one or more of these “perceived” categories are demonstrably more vulnerable to profiling and in many cases are subjected to inappropriate treatment and escalated response by police officials because of their perceived status. Including the requirement that the officer report his/her perception will not raise issue of privacy and will not require the subject of a stop to answer personal questions inappropriate to the inquiry. It will provide a check on whether vulnerable or isolated communities are being subjected to different treatment.

Members of each of these groups have been the object of both intentional discrimination and implicit bias. In particular, the recent reports of increased anti-Muslim activity in communities all around California warrants the collection of data regarding how police officials are treating individuals whom they perceive fall into these categories. Social science data has demonstrated that requiring this type of reporting not only allows for monitoring and intervention, but promotes self-reflection by the reporter. Adding these categories will increase the usefulness of the data and promote the kind of behavior and policy adjustments that will help achieve the AB 953 stated goal to “eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement.”

Additionally, we think that including the race/ethnicity, gender and age of the reporting officer would not impose any significant burden, but would provide additional data that will allow for a full analysis of data trends.

We thank the members of RIPA and staff for the exceptional work done on these regulations. We urge you to address the deficiencies identified in these comments, by adopting our proposed language or incorporating other changes that will further define and expand reportable data.

Sincerely,



Cynthia L. Rice  
Director of Litigation, Advocacy & Training

Franchesca S. Verdin  
Rural Education Equity Program Director

cc: Shannon Hovis, Senior Policy Adviser  
[Shannon.Hovis@doj.ca.gov](mailto:Shannon.Hovis@doj.ca.gov)



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



January 27, 2017

Ms. Catherine Z. Ysrael  
Deputy Attorney General  
Office of the Attorney General  
Civil Rights Enforcement Section  
300 South Spring Street, First Floor  
Los Angeles, California 90013

Dear Ms. Ysrael:

RE: AB 953 AND PROPOSED DRAFT REGULATIONS  
FOR DATA COLLECTION AND REPORTING

The Los Angeles County Sheriff's Department has reviewed AB 953 and the proposed draft regulations for data collection and reporting.

My Department has begun implementing many of the stop data collection element proposals outlined in Reporting Requirements 11 CCR 999.227. For example: the time, date, and location of a stop; reason for the stop; the result of the stop; and if a warning, citation, or arrest was made during the stop.

However, several of the proposed regulations are well beyond the initial scope and will place undue burden upon the Los Angeles County Sheriff's Department. For example: perceived race, perceived gender, perceived age, whether the person stopped has limited English fluency or a pronounced accent, whether the person has a perceived or known disability. These proposals will result in inaccurate and unreliable data collection based on a deputy's perception and speculation, at best. Furthermore, a request for the deputy's age, years of experience, and assignment could very well become an officer safety issue, as well as a liability issue if such information were revealed to the public. Likewise, collecting the additional data elements will result in added costs to law enforcement in regard to training, implementation, and technology.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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Z-2016-1129-03-01637

Ms. Catherine Z. Ysrael

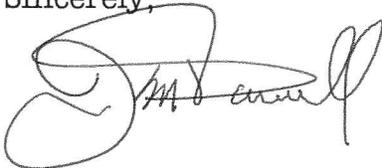
-2-

January 27, 2017

These additional proposals will also create an extensive increase in a deputy's workload, resulting in increased response time to routine, priority, and emergent calls for service. This will lead to less time for proactive police work.

In conclusion, I encourage the Department of Justice and the Racial and Identity Profiling Advisory Board to reconsider the proposed regulations and adhere to the data collection elements established in the original legislation. There is no place for racial bias in policing, but collection of the additional data elements described in the proposed regulations will cause misconceptions, burdensome workloads, additional costs, and undue officer safety concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDonnell". The signature is stylized with a large, looping initial "J" and a long horizontal stroke.

JIM McDONNELL  
SHERIFF

STANFORD UNIVERSITY  
STANFORD, CALIFORNIA 94305-2130

DEPARTMENT OF PSYCHOLOGY  
Jordan Hall, Bldg. 420  
Fax 650-725-5699

January 26, 2017

Dear Ms. Ysrael:

I would like to thank the entire DOJ staff for your hard work and dedication to implementing AB 953. It has been a pleasure and a privilege to serve on the Racial and Identity Profiling Advisory (RIPA) Board. From that vantage point, I have gained a real appreciation for the work you do on behalf of the people across this great state of California.

The board meeting yesterday in Fresno was quite productive. We were able to discuss some of the more complicated issues at length and it was a real benefit to have that discussion after hearing directly from community members. We heard one community member after another describe what AB 953 means to them and why. There was clear and strong support for AB 953. With unanimity, community members spoke of the power of data to provide them a voice and to improve police-community relations. People spoke of the urgent need to document racial disparities in policing and to begin to reduce those disparities. These themes were also apparent in the minutes from the recent public hearings in Los Angeles and in Oakland.

In the meeting yesterday (as well as at the prior public hearings) many community members expressed a strong desire to include open narrative fields in the data collection process so that we are provided with the context for officer-initiated stops and searches. Without this information, they argue, it is hard to understand why officers are taking specific actions.

I agree with this concern. Of course there is a real cost to requiring officers to write extensive narratives for every type of contact they have with the public. Yet there is a real cost to not requiring these narratives, at least in certain cases: we may lose vital information that will help us to understand the racial disparities we seek to measure. This is especially true for officer-initiated stops for reasonable suspicion. Although we have attempted to list possible situations that could qualify as reasonable suspicion, the situations listed are necessarily vague and require supporting narratives to provide a fuller picture. Having the option to check "other reasonable suspicion" with no narrative required is especially problematic in this regard. Not only are we left with no understanding at all of what triggered reasonable suspicion in this case, the lack of the narrative field limits discovery. It limits our ability to measure and track common situations that are not on the predetermined list we have constructed. **I recommend a narrative field that requires a fuller description of the specific basis for reasonable suspicion when a stop is conducted.**

The proposed regulations template does not include a narrative field for the basis of a search, even in cases that are vague or ambiguous (e.g., consent given, officer safety, suspected weapons). Here as well, **I recommend a narrative field that requires a fuller description of the specific basis for a search when a search is conducted.**

The focus of AB 953 is on Racial and Identity Profiling. If we do not include a narrative field requirement for at least some selected cases of officer-initiated stops and searches, we will not know the extent to which the racial disparities that emerge are indicative of racial profiling. We will be in no position at all to make any judgment on the constitutionality of stops or searches – which is the primary issue animating AB 953.

We also want to be in the position to begin addressing the racial disparities that may emerge in data collection and analysis. In addition to requiring narrative fields in selected cases, **I recommend that we collect officer-level information.** This would not only include an officer unique identifier, years of experience, and type of assignment, but also the race, age, and gender of the officer. The collection of all of this information has already been approved by the Data Elements subcommittee on which I serve.

The purpose of collecting this information is not to identify individual officers, but to be in the position to identify trends and patterns in the data. Having this information would allow researchers to better understand where racial disparities are most likely to emerge and to recommend ways to begin addressing those disparities. The officer unique identifier would allow us to see what proportion of officers in a typical department make the bulk of the stops and searches. We also want to know how concentrated the racial disparities are: are the disparities quite large for certain types of assignments yet nearly absent for other types of assignments? For training purposes, it would be helpful to know officers' years of experience on the job and how that experience correlates with disparities in stops and searches. Having the ability to sort the data by officer race, gender, and age could also be illuminating. For example, members of the public often call for more racial diversity in police departments as a way to address racial disparities in stops and searches. Yet, how is officer-race related to the decisions made to stop and search someone? Is there any relation? Without basic information at the officer level, the usefulness of the data we are collecting here is severely limited.

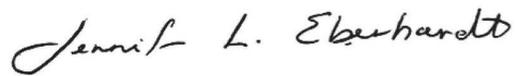
At the meeting yesterday, members of the law enforcement community raised privacy concerns that are associated with collecting officer-level information. It is my understanding that this information is contained in the personnel records of officers and is not discoverable or subject to public information requests. Although the DOJ would have access to the unique identifier for purposes of analysis, the DOJ would not have access to the individual identities of these officers. Also, to limit the danger of re-identification, **I would recommend that no officer-level information be released to the public: this includes the officer unique identifier, years of experience, type of assignment, race, age, and gender.**

I am aware that there are risks associated with collecting additional data, whether we consider narrative fields or officer-level information. We should do everything possible to minimize those risks because there are real risks associated with not collecting this information. Without this information, we are reduced to reporting on the size of racial disparities across various regions of the state. We will not have moved any closer to understanding what those disparities mean nor how to address them. And, in fact,

simply reporting on disparities could make things worse not better. Members of the law enforcement community could see those disparities as indicative of racial differences in crime. The public could see those same disparities as indicative of racial profiling. Rather than serving as a mechanism to improve police-community relations, this entire data exercise could serve to further polarize us. Indeed, in my own work I have shown that knowledge of disparities without knowledge of the root cause can, in fact, produce more disparity rather than less. Collecting additional information through narratives and officer-level information can move us beyond polarization and focus us on the important task of addressing racial disparities in ways that are more productive and evidence based.

Thank you for allowing me to comment on this very important matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer L. Eberhardt".

Jennifer L. Eberhardt,  
Professor of Psychology  
jleberhardt@stanford.edu

January 27, 2017

Catherine Z. Ysrael,  
Deputy Attorney General, Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor Los Angeles, CA 90013

Dear Deputy AG Ysrael,

My name is Jack Glaser and I am a Professor at the Goldman School of Public Policy at UC Berkeley. I am a social psychologist by training and have been teaching public policy and studying racial bias in policing for 17 years. I have published multiple scientific journal articles on racial bias in general and biased policing in particular, and published a sole-authored book on racial profiling, *Suspect Race: Causes and Consequences of Racial Profiling* (Oxford University Press, 2015). I have been involved in training California State Judges on bias and discrimination and have carried out trainings on bias for state and federal prosecutors as well as public defenders. I am currently serving as a consulting expert for the plaintiffs in the Floyd vs. City of New York class action lawsuit. The plaintiffs won the case and retained me for the remedy phase. I am also a co-investigator on the National Justice Database, a National Science Foundation-funded project to compile data on stops, searches, and use of force throughout North America. The database is being developed under the umbrella of the Center for Policing Equity, on whose Board of Directors I serve. I have been following the development of AB953 and providing input on its development wherever possible. Finally, my job as a professor of public policy involves daily, careful consideration of the process of policy development and implementation. Given this background, I believe that I am in a strong position to provide helpful comments on the proposed regulations for implementing AB953.

I have carefully reviewed the Proposed Text of Regulation. My first comment is that I commend the Legislature, Governor, and other involved parties for the development and passage of this law. It is groundbreaking. I also commend the AG's staff, members of the RIPA Board, and other stakeholders for their careful development of these regulations. It was clearly a daunting task and the result is a thorough yet parsimonious set of guidelines.

I have three main recommendations for revision to the regulations that I will lay out first. In a separate document, I will list secondary recommendations.

**Main recommendations:**

- 1) *Expand officer demographics, either through report form entry or merge with department personnel data.*

The data that will be generated through RIPA are generally extensive, but that is not the case for characteristics of the officers. As far as I can tell, the only officer characteristics that will be made available are years on force (and in suboptimal form – see recommendation 2, below) and duty assignment. This paucity of

information will severely hamper attempts to understand patterns in the data and assist agencies in improving their performance. For example, lack of information about the gender and race/ethnicity of officers will lead to a relatively simplistic, unidimensional understanding of policing. It would be valuable to know if there are gender or racial/ethnic differences *or not*.

I realize that the limitations on officer characteristics are there to protect the identity of officers, but there are methods for achieving that without compromising the utility of the entire data set. For relatively small departments, identification of gender, race/ethnicity, and/or rank of officer could lead to identification of individual officers. This would be unacceptable, because there are many reasons why an individual officer's performance statistics may be more or less incriminating. However, it can be the case that for larger departments, more officer characteristics are made available. Because the regulations are being rolled out sequentially, to larger agencies first, this could be accomplished fairly neatly. Furthermore, protocols can be put in place to identify whether a given department has a small enough group of one type of officer (e.g., Latino, female, sergeant) that such variables would be redacted (left blank) for that department.

Officer characteristics can be transmitted either by having officers indicate on the stop form (as is currently the case for years on force and duty assignment), but that puts officers at greater risk of identification. I recommend that officer characteristics be transmitted separately, using the same unique identifier already proposed. A separate data file would be transmitted to the DOJ that contained only this identifier and officer characteristics. This would be merged by UID with the stop data file. DOJ would never have the key that links UID with badge number. Agencies would encrypt and store that key in a separate, secure location from the stop data.

California is embarking on a major venture with this new law and it has the potential to improve policing performance and accountability dramatically. However, the lack of important officer characteristics in the data will diminish its utility dramatically. It strikes me as a serious error to go to all this trouble and to hobble the venture with this severe limitation. Even if these variables are included only for relatively large departments, the State will benefit significantly from the increased explanatory power of the data.

2) *Change officer years on force variable to an open field, instructing officers to round to nearest integer.*

The variable gathering officer year on force is currently designed as a "categorical" variable, meaning that, although by nature it is continuous (years), it is broken into discrete categories (less than 4 years, 4-10 years, more than 10 years). This construction reduces the value of this information considerably. I strongly recommend that this variable be converted to an open field or (electronically) drop down menu with all years available so that officers can round off to the nearest year.

Continuous variables of this sort lend themselves to more powerful data analyses. But, even more compelling, there are good reasons to expect that there will be major differences between officers on the force 1 year versus those on for 4 years (and 11 vs. 25). At the very least, there should be more than just the three intervals, and the intervals should be equal in size. But, again, I strongly recommend putting this variable on its proper continuum.

3) *Include unique officer identifiers (UID's) in data made available.*

Article 5(f) appears to indicate that unique officer identifiers will not be made public. This will severely undermine the ability of analysts to make sense of these data. It does not need to be the same UID as the one provided by the agency. It could be a new ID that is never linkable to badge number but allows analysts to identify officer-level effects. Without a unique identifier, analysts cannot examine phenomena at the officer level. This will reduce the dimensionality of the analyses by an order of magnitude. Using officer as a unit of analysis (as well as stops per officer) will enable analysts to construct statistical models that take into account that there is variation in performance across officers.

Thank you for considering these recommendations. Again, I am impressed by the extent of thought and care that has gone into these regulations and am confident that the people of California will be well served!

Sincerely,



Jack Glaser, PhD  
[jackglaser@berkeley.edu](mailto:jackglaser@berkeley.edu)  
510-642-3047

**From:** [Shannon Hovis](#)  
**To:** [AB953](#)  
**Subject:** Fwd: Annotated regs  
**Date:** Friday, January 27, 2017 5:09:39 PM  
**Attachments:** [text-prop-regs-112916.pdf](#)  
[ATT00001.htm](#)

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Shannon K. Hovis

Sent from my iPhone

Begin forwarded message:

**From:** "Jack Glaser" <[jackglaser@berkeley.edu](mailto:jackglaser@berkeley.edu)>  
**To:** "Shannon Hovis" <[Shannon.Hovis@doj.ca.gov](mailto:Shannon.Hovis@doj.ca.gov)>  
**Subject:** Annotated regs

Hi Shannon,

I just realized that I can just send you my annotated document (attached). That might be more helpful than writing it up. There are a few areas where, I think, the language needs tightening.

This is an awesome document. Congrats, and thank you.

Jack

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Jack Glaser  
Professor  
Goldman School of Public Policy  
University of California, Berkeley  
<http://gspp.berkeley.edu/directories/faculty/jack-glaser>

Author of *[Suspect Race: Causes and Consequences of Racial Profiling](#)*. Oxford University Press.

Follow me on Twitter (or don't): [@JackGlaserPhD](#)

(6) “Department” refers to the California Department of Justice and the California Attorney General.

(7) “Detention,” unless otherwise provided in these regulations, means a seizure of a person’s body by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

(8) “Firearm” means a weapon that fires a shot by the force of an explosion, and includes all handguns, rifles, shotguns, and other such devices commonly referred to as firearms.

(9) “K-12 Public School Setting” means “California state educational institution,” as defined in this chapter.

(10) “Probation officer” means an adult probation officer authorized by Penal Code section 1203.5, or a juvenile probation officer authorized by Welfare and Institutions Code section 270, whose duties are defined in Penal Code section 830.5 or Welfare and Institutions Code sections 280 and 283, respectively.

(11) “Reporting agency” means:

(A) Any city or county law enforcement agency that employs peace officers.

1. <sup>1</sup>“Reporting agency” includes any city or county law enforcement agencies that employ peace officers who are contracted to work at other government or private entities, including but not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

(B) The California Highway Patrol.

(C) The law enforcement agencies of any California state or university educational institutions.

1. “California state educational institution” means any public elementary or secondary school; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools. “The law enforcement agencies of California state educational institutions” refers to any police department established by a public school district pursuant to Education Code section 38000 that employs peace officers, as defined in California Penal Code section 830.

2. “California university educational institution” means the University of California, California State University, and any college of the California Community Colleges.

3. “The law enforcement agencies of California university educational institutions” refers to the following:

a. Law enforcement agencies of all campuses of the California State University, established pursuant to Education Code section 89560;

# Summary of Comments on AB 953 Regulations 10.7.16

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 8:37:58 PM

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This is very confusing. Sounds like local agencies who do not have officers who moonlight will be excluded. ???

Should it read "includes any city or county law enforcement agencies that employ peace officers, including those officers who are also contracted to work at other government or private entities"?

b. Law enforcement agencies of all campuses of the University of California, established pursuant to Education Code section 92600; and

c. Law enforcement agencies of all California community colleges, established pursuant to Education Code section 72330.

(12) “School resource officer” includes, but is not limited to, “school resource officer” as defined by 42 U.S.C. § 3796dd-8.

(13) “Search,” unless otherwise provided, means a search<sup>1</sup> of a person’s body or property in the person’s possession or control, and includes a pat-down search of a person’s outer clothing as well as a consensual search.

(14) “Stop” for purposes of these regulations means (1) any detention, as that term is defined in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search.

(15) “Student” means any person who is enrolled in a Kindergarten through<sup>2</sup><sup>th</sup> grade public school (“K-12 public school”), including any person subject to California’s compulsory education law as defined in Education Code section 48200. As provided in section 48200, “student” includes persons between ages 6 and 18 years of age who are not otherwise exempt or excluded from the compulsory education laws.

(A) Example: A person between the ages of 6 and 18 who is not enrolled in a K-12 public school because he or she has been expelled from school is a student for purposes of these regulations.

(B) Example: A person between the ages of 6 and 18 who is enrolled as a student at one K-12 public school but who is stopped by an officer at another school is a student for purposes of these regulations.

(C) Example: A person between the ages of 6 and 18 who has received his or her G.E.D. and who is stopped by an officer at a public K-12 school is a student for purposes of these regulations.

(D) Example: A 19-year old person who is enrolled at a public school is a student for purposes of these regulations.

(16) “Vehicle” means motor vehicles as defined in Vehicle Code section 670, mopeds, motorcycles, motorized scooters as defined in Vehicle Code section 407.5, and any motorized vehicles, including boats.

(17) <sup>3</sup>Weapon” means a firearm, Taser or other electronic control device, stun gun, BB gun, pellet gun, air gun, gas-powered gun, device that discharges rubber bullets or bean bags, baton, pepper spray, or mace.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

## Page: 3

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 8:47:31 PM

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What about vehicle stops? Shouldn't there be inclusion of vehicle searches, and definition of what constitutes that (e.g., just peering in or physically entering the vehicle)?

 Number: 2 Author: jackglaser Subject: Highlight Date: 1/26/2017 7:35:02 PM

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What about private or Charter school students? This would seem to exclude them from the "student" category entirely. If that's so, the term should probably be "Public School Student," not "Student."

 Number: 3 Author: jackglaser Subject: Highlight Date: 1/26/2017 7:35:43 PM

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What about knives and other non-projectile weapons?

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

### **Article 3. Data Elements To Be Reported**

#### **11 CCR § 999.226**

(a) The data elements regarding stops that shall be collected by peace officers subject to this chapter are defined as follows:

(1) “ORI number” is the data element that refers to the reporting agency’s Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation.

(2) Date, Time, and Duration of Stop

(A) “Date of Stop” refers to the year, month, and day when the stop occurred. It shall be recorded as the date on which the stop began. If the stop extends over two days (e.g., if a stop began at 2330 hours on January 1st and concluded at 0030 hours on January 2nd), the date of stop should be recorded as the first date (in this example, January 1st).

(B) “Time of Stop” refers to the time that the stop began and shall be recorded using a 24-hour clock (i.e., military time).

(C) “Duration of Stop” is the approximate length of the stop measured from the time the reporting officer, or any other officer, first detains or, if no initial detention, first searches the stopped person until the time when the person is free to leave or taken into physical custody. In reporting this data element, the officer shall select the closest approximation of the duration of stop from the following options:

1. 0-10 minutes
2. 11-20 minutes
3. 21-30 minutes
4. 31-60 minutes
5. Over 60 minutes

a. Example: Officer A stops an individual’s car at 1300 hours. Officer B arrives at a later time and searches the individual’s car at 1330 hours. The individual is arrested and taken into custody by Officer C at 1430 hours. “Duration of stop” is measured from the time the individual was first detained, in this example, by Officer A at 1300 hours, until the time that the individual is placed into custody, in this example, by Officer C at 1430 hours. In this instance, the duration of stop would be over 60 minutes.

b. Example: Officer A interviews an individual about a robbery down the street. During the course of the interview, Officer A observes what looks like a knife protruding from the individual’s waistband, and subsequently searches the

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 8:44:55 PM

Continuous is vastly preferable. There will be a lot of meaningful variation within these intervals. Also solves the problem of unequal intervals, which is problematic for data analysis.

individual. “Duration of stop” is measured from the time the person is searched, not the time during which the officer was interviewing the individual as a witness to the robbery.

(3) “Location and Type of Stop” refers to the physical location where the stop took place and the type of stop, and shall be reported as follows:

(A) The officer shall report the geographic coordinates, defined as either of the two lines of latitude and longitude whose intersection determines the geographical point of a place, of the location, if they are available, unless the location is a residence or home, which is defined to mean apartments including public housing, condominiums, townhouses, nursing homes, residences including residential driveways and residential yards, and extended or continuous care facilities.

(B) If the location is a residence or home, the officer shall not report the geographic coordinates or street address. Rather, the officer shall report only one of the most descriptive options of the following that are available to the officer: cross streets, closest intersection, block number, road marker, or landmark. The officer shall also report the zip code, if available to the officer.

(C) If geographic coordinates are not available, the officer shall report only one of the most descriptive options of the following that are available to the officer: street address, closest intersection, cross street, block number, highway exit, road marker, landmark, or other description if none of those are available. The officer shall also report the zip code, if available to the officer.

(D) If the stop takes place in a K-12 public school setting, the officer shall provide the name of the school where the stop took place, or if that is not available the geographic coordinates. If neither the name of the school nor geographic coordinates are available, the officer shall provide the information in subdivision (3)(C). The officer shall also indicate whether the stop is of a student.

(E) In reporting the type of a stop, the officer shall indicate whether the stop was (1) a vehicle stop and, if so, whether the person stopped was a driver or passenger; (2) a non-vehicle stop, including that of a pedestrian, as defined by Vehicle Code section 467; or (3) a stop of a person on a bicycle.

**1)** “Reason for Presence at Scene of Stop” means the circumstances under which the officer first encounters a person subject to a stop and provides context as to why the officer encountered the person.

(A) When reporting this data element, the officer shall select as many of the following data values that apply:

1. Patrol, including officers assigned to patrol on foot, in a vehicle, or on a bicycle or other conveyance.

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 Number: 1    Author: jackglaser    Subject: Highlight    Date: 1/6/2017 11:23:21 AM

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7. Other community caretaking, which means a category of law enforcement activity in which officers take actions to protect and provide aid to the public, other than a welfare check pursuant to Penal Code section 11106.4.

a. Example: A person calls 911 to say she has not seen her neighbor for days, newspapers are piling up, and there are sounds of a distressed animal inside a residence. The officer is dispatched to the neighbor's residence and finds a person inside with evidence of recently stolen property. The "Reason for Presence at Scene of Stop" is "Other community caretaking."

8. K-12 public school assignment, which means the officer has been assigned to a public elementary or secondary school campus, either as a member of the school district's police department, as a member of a city or county law enforcement agency, or as a school resource officer assigned to that school. This data value only applies if the officer has been assigned to the school.

a. Example: A school resource officer or school district police officer walks down the hallway and spots a student in possession of narcotics. The officer's "Reason for Presence at Scene of Stop" is "K-12 public school assignment."

b. Example: A sheriff's deputy receives a 911 call requesting assistance at a public high school because there is a fight between two armed students. The deputy's "Reason for Presence at Scene of Stop" is a "Call <sup>1</sup> service," and not "K-12 public school assignment," because the deputy is not assigned to the school.

9. Civil disorder, which means encounters in response to a civil disorder, including but not limited to a riot or mass disobedience.

10. <sup>2</sup>ther. This data value shall be selected only when the reason for the officer's presence at the scene is not captured by the data values above.

(5) "Reason for Stop" captures why the officer stopped the person.

(A) When reporting this data element, the officer shall select <sup>3</sup> many of the following data values that apply:

1. Traffic violation. When selecting this data value, the officer shall also identify the applicable Vehicle Code section and subdivision. When the person stopped is the driver, the officer shall also designate the type of violation:

- a. Moving violation
- b. Equipment violation
- c. Status violation

2. Reasonable suspicion that the person stopped was engaged in criminal activity (other than a traffic violation). When selecting this data value, the officer shall <sup>4</sup>select at least one of the following data values. In addition, the officer shall identify the specific code section and subdivision that formed the basis for the stop, if known to the officer.

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 8:55:54 PM  
for?

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 Number: 2 Author: jackglaser Subject: Highlight Date: 1/26/2017 8:59:05 PM  
Will officers be required to provide a narrative when selecting "other"?

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 Number: 3 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:01:22 PM  
Or primary? Could they be asked to indicate which was the primary reason? It will be hard for them to separate out what was the original reason and what presented themselves as good reasons during the course of the detention.

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 Number: 4 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:01:40 PM  
"also"

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- a. Person matched suspect description
- b. Witness or victim identification of suspect at the scene
- c. Carrying suspicious object
- d. Person taking actions indicative of casing a victim or location
- e. Person suspected of acting as a lookout
- f. Person taking actions indicative of a drug transaction
- g. Person taking actions indicative of engaging in a violent crime
- h. Person carrying objects in plain view used in a commission of crime
- i. Other reasonable suspicion

3. Probable cause to arrest. When selecting this data value, the officer shall identify the specific code section and subdivision that formed the basis for the probable cause to arrest.

4. Probable cause to search. The officer shall select this data value if there is a basis to establish probable cause to conduct a search.

5. Parole/probation/PRCS/mandatory supervision. The officer shall select this data value if the reason the officer stopped the person is because the person stopped is known to be a supervised offender on parole, probation, post-release community supervision (PRCS), or mandatory supervision.

6. Consensual encounter resulting in a consensual search. A consensual encounter is an interaction in which the officer does not exert any authority over, or use any force on, a person. The officer shall select this data value if a consensual encounter results in a consensual search.

a. Example: During the course of a witness interview in which the person is free to leave, the officer asks to search the person's bag, and the individual consents. In this case the reason for stop is a "consensual encounter resulting in a consensual search."

(B) The "Reason for Presence at Scene of Stop" differs from the "Reason for Stop."

1. Example: The officer responds to a call for service that requests assistance for a possible burglary in progress at a retail store. When the officer arrives he or she discovers a person assaulting another person and detains and arrests the assailant. The "Reason for Presence at Scene of Stop" is "Radio call/dispatch: radio dispatch regarding suspicious/criminal activity," but "Reason for Stop" would be "Probable cause to arrest" and/or "Reasonable suspicion" followed by selection of the Penal Code section for assault.

2. Example: An officer pulls over a car for a broken taillight and cites the driver for a Vehicle Code violation. The "Reason for Presence at Scene of Stop" is "Patrol." The "Reason for Stop" is "Traffic violation," followed by the selection of the specific Vehicle Code violation.

## Page: 9

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:03:59 PM

Needs open field. Otherwise will be a default option for unjustified stops.

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 Number: 2 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:07:46 PM

If and only if? Or "even if"? This would leave out stops that started as consensual encounters and led to detention without search.

3. Example: An officer pulls over a car for a broken taillight, and subsequently observes a switchblade in the lap of the passenger in the vehicle. The officer then asks the passenger to exit the vehicle. The “Reason for Presence at Scene of Stop” is “Patrol,” but the “Reason for Stop” of the passenger will be “Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation).” followed by the selection of the Penal Code section for possession of a switchblade.

(6) “Actions Taken by Officer During Stop” refers to actions taken by an officer during a stop of the person who is the subject of the stop.

(A) The reporting officer shall select as many of the following data values that apply, even if any or all of the actions were undertaken by another officer:

1. Person removed from vehicle by order or physical contact

2. Field sobriety check conducted

3. Curbside detention

4. Handcuffed

5. Patrol car detention

6. Use of canine in apprehension

7. Weapon removed from holster or brandished. “Brandishing a weapon” means drawing or exhibiting a weapon and includes, but is not limited to, pointing the weapon at the individual or at others present at the scene. Merely unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster is not removing a weapon from holster or brandishing a weapon. If selected, the officer shall specify the type of weapon by selecting from the following:

a. Firearm

b. Taser or electronic control device

c. Stun gun, 2 B gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags

d. Baton

e. Pepper spray or mace

8. Weapon was discharged or used. If selected, the officer shall specify the type of weapon that was discharged or used by selecting from the following:

a. Firearm

b. Taser or electronic control device

c. Stun gun, 3 B gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags

d. Baton

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- 
-  Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:10:07 PM  
Seems worth breaking this into two separate values. You'd want to know if by order or physical contact, although I suppose the latter would show up under use o force, but this would be much clearer.
- 
-  Number: 2 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:15:48 PM  
Cut and paste error? Why would officers use one of these?
- 
-  Number: 3 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:11:48 PM  
Same question. Police don't use these.

e. Pepper spray or mace

9. Other use of force (other than handcuffing, use of canine in apprehension, or use of a weapon listed above). This refers to any physical strike or instrumental contact with a person by an officer, or the use of significant physical contact, when such contact is intended to restrict movement or control a person's resistance. This includes, but is not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.

10. Asked for consent to search person

a. Consent given

11.  Search of person was conducted

12. Asked for consent to search property

a. Consent given

13. Search of property was conducted

14. Property was seized

15. None of the above

(B) Additional Data Collected Regarding Searches. If, during the stop, the officer conducted a search of the person or the person's property, the officer shall report the following additional information, submitting the data values separately for the search of the person, the person's property, or both.

1. "Basis for Search." The officer shall identify the basis for the search, selecting as many of the following data values that apply:

a. Consent given

3. Officer safety

c. Search warrant

d. Condition of parole/probation/PRCS/mandatory supervision

e. Suspected weapons

f. Visible contraband

g. Odor of contraband

h. Canine detection

i. Evidence of crime

j. Incident to arrest

k. Incident to pat-down search (for search of person only)

l. Exigent circumstances/emergency

m. Vehicle inventory (for search of property only)

n. Abandoned property (for search of property only)

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:16:58 PM

Is this, and #13, meant to capture when non-consent searches (i.e., probable cause searches) are conducted as well?

 Number: 2 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:20:20 PM

Is this necessary? Is it to signal to officers that there need not be any of these actions taken? Could there be an "other" category, with a narrative field?

 Number: 3 Author: jackglaser Subject: Highlight Date: 1/26/2017 9:34:54 PM

Or perhaps should be "Safety of officer and/or others in vicinity." This is closer to the Terry standard for a pat down.

2. “Contraband or Evidence Discovered, if Any.” The officer shall indicate whether contraband or evidence was discovered during the search, and the type of contraband or evidence discovered, selecting as many of the following data values that apply:

- a. None
- b. Firearm(s)
- c. Ammunition
- 1 Weapon(s) other than a firearm
- 2 Drugs/narcotics
- f. Alcohol
- g. Money (indicating amount)
- h. Drug paraphernalia
- i. Suspected stolen property
- 3 Cell phone(s) or electronic device(s)
- 4 Other contraband
- 5 Other evidence

(C) Additional Data Regarding Type of Property Seized.

1. “Basis for Property Seizure.” If the officer seized property during the stop, regardless of whether the property belonged to the individual stopped, the officer shall report the basis for the property seizure, by selecting as many of the following data values that apply:

- a. Safekeeping as allowed by law/statute
- b. Forfeiture
- c. Contraband
- d. Evidence
- e. Impound of vehicle
- f. Abandoned Property

2. “Type of Property Seized.” If the officer seized property during the stop, regardless of whether the property belonged to the individual stopped, the officer shall report the type of property seized, by selecting as many of the following data values that apply:

- a. 6 one
- b. Firearm(s)
- c. Ammunition
- d. Weapon(s) other than a firearm
- e. Drugs/narcotics

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- 
-  Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:00:11 AM  
This could be a lot of things, and some of them are arguable (e.g., pocket knives). Should have to specify
- 
-  Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:00:59 AM  
Should specify. Big diff between marijuana and heroine, and between prescription and illicit.
- 
-  Number: 3 Author: jack-mac Subject: Highlight Date: 1/27/2017 9:59:26 AM  
Why is this noteworthy. Almost everyone carries a cell phone.
- 
-  Number: 4 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:01:20 AM  
Should have to specify
- 
-  Number: 5 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:01:35 AM  
Should have to specify.
- 
-  Number: 6 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:33:16 AM  
The variable is phrased is "If the officer seized property..." so having a "none" response doesn't make sense. I understand that you want them to respond to the question anyway, so it could be rephrased as "The officer shall report the type of property seized, if any, by selecting as many of the following data values that apply, regardless of whether the property belonged to the individual stopped."

(G) Person stopped died during encounter with officer. For purposes of these regulations, only deaths that occur during the stop shall be reported. The person's death shall be reported if it occurred during the stop, even if the death is unrelated to an officer's action taken during the stop. Such reporting does not relieve the agency from its reporting obligations regarding deaths-in-custody or officer-involved shootings.

1. Example: Officer pulls over vehicle for a traffic violation and instructs driver to exit the vehicle. The driver collapses and dies of an apparent heart attack. The driver's death shall be reported as the data value "Person died during encounter with officer," in responding to the data element "Result of Stop."

2. Example: Officer discharges his or her firearm in the process of arresting a person during a stop, shooting the person stopped. The person is transported to the hospital. Hours later, the person stopped dies at the hospital. The officer selects "Weapon was discharged or used" under "Actions Taken By Officer During Stop" and selects "Transported for medical treatment" as the "Result of Stop." The officer would not report the person's death as "Person died during encounter with officer" under the reporting requirements of this chapter.

(8) "Perceived Race or Ethnicity of Person Stopped" captures an officer's perception of the race or ethnicity of the person stopped. When reporting this data element, an officer shall use his or her judgment to determine the person's race or ethnicity by personal observation only. The officer shall not ask the person stopped his or her race or ethnicity, or ask questions or make comments or statements designed to elicit this information.

(A) When reporting this data element, the officer shall select as many of the following data values that apply:

1. Asian or Pacific Islander
2. Black or African American
3. Hispanic or Latino/a
4. Middle Eastern or South Asian
5. Native American
6. White

a. Example: If a person appears to be both Black and Latino/a, the officer shall select both "Black or African American" and "Hispanic or Latino/a."

(B) "Asian or Pacific Islander" refers to a person of Asian descent or a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, but who does not fall within the definition of "Middle Eastern or South Asian" below.

(C) "Black or African American" refers to a person having origins in any of the Black racial groups of Africa.

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 Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:44:21 AM

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This could be very confusing. For 1 and 4, "or" indicates two different categories combined; for 2 and 3, "or" indicates synonym. Should use slashes for synonyms, or put other in parentheses.

(D) “Hispanic or Latino/a” refers to a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

1(E) “Middle Eastern or South Asian” refers to a person of Arabic, Israeli, Iranian, Indian, Pakistani, Bangladeshi, Sri Lankan, Nepali, Bhutanese, Maldivian, or Afghan origin.

(F) “Native American” refers to a person having origins in any of the original peoples of North, 2entral, and South America.

(G) “White” refers to a person of Caucasian descent having origins in any of the original peoples of Europe and Eastern Europe 3cluding but not limited to Ireland, Germany, Great Britain, Italy, Poland, and Russia.

(9) “Perceived Gender of Person Stopped” refers to the officer’s perception of the person’s gender. When reporting this data element, the officer shall make his or her determination based on personal observation, without asking the person’s gender and without using the gender specified on the person’s driver license or other identification, recognizing that the officer’s observation may not reflect the gender specified on the person’s identification.

(A) When reporting this data element, the officer shall select one of the following data values:

1. Male
2. Female
3. Transgender man
4. Transgender woman
5. Gender nonconforming

(B) For purposes of completing this data element, the officer should refer to the following definitions:

1. “Transgender man” means an 4individual who was assigned female at birth but who currently identifies as a man.
2. “Transgender woman” means an individual who was assigned male at birth but who currently identifies as a woman.
3. “Gender nonconforming” means a person whose gender-related appearance, behavior, or both differ from traditional 5ereotypes about how men or women typically look or behave.

(10) “Perceived Age of Person Stopped” refers to the officer’s perception of the approximate age of the person stopped. When reporting this data element, the officer shall make his or her determination based on personal observation, recognizing that this observation may not reflect the age specified on the person’s identification card. The officer shall select from one of the following data values:

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**T** Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:50:20 AM

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I would stongly recommend breaking these out into two separate response options. The terrorist stereotype does not apply equally here, and it will be interesting to see if officers discern between these categories.

**T** Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:45:47 AM

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This is going to get very confusing with Latino. I suppose a discerning officer might check both Native American and Hispanic.

**T** Number: 3 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:47:37 AM

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Is this necessary? Seems like an arbitrary set. What about Scandinavians, French, etc.?

**T** Number: 4 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:50:35 AM

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How could an officer surmise this?

**T** Number: 5 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:51:08 AM

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"conceptions"

1 (A) 0-9

(B) 10-14

(C) 15-17

(D) 18-24

(E) 25-29

(F) 30-39

(G) 40-49

(H) 50-59

(I) 60 and older

(11) 2 Person Stopped had Limited English Fluency or Pronounced Accent refers to the officer's perception that the person stopped had limited English fluency or a pronounced accent. The officer will only select this data element if this applies to the person stopped.

(12) "Perceived or Known Disability of Person Stopped" refers to the officer's perception that the person stopped displayed signs of one or more of the following conditions or the officer's knowledge that the person stopped has one or more of the following conditions because the individual stopped so advised the officer. Nothing in this provision prohibits the officer from complying with his or her duties under state and federal anti-discrimination laws with respect to the treatment of people with disabilities. When reporting this data element, the officer shall select as many of the following data values that apply:

(A) Deafness or difficulty hearing.

(B) Other physical disability.

(C) Impaired mental health or psychiatric condition.

(D) Developmental disability.

(E) None.

3 3 "Officer's Unique Identifier" refers to a permanent unique identification number assigned by the reporting agency to the reporting officer, which shall be used for all reporting required under this chapter.

(14) "Officer's Years of Experience" refers to the officer's total number of years he or she has been a sworn peace officer. When reporting this data element, the officer shall count the total number of years he or she has been a peace officer, and not the number of years at his or her current agency. If the officer has served as a peace officer intermittently, he or she shall

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 Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:54:28 AM

Unequal intervals pose a challenge for data analysis. This could be an open field input asking for perceived age in years rounded to nearest integer. No less arbitrary than selecting a category.

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 Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 10:58:02 AM

These should be separated. Different issues.

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 Number: 3 Author: jackglaser Subject: Highlight Date: 1/6/2017 12:01:48 PM

This is all there is for officer info. Unless agencies provide demographic info on officers with same OUI, which they are not required to do.

1 Count the total number of years, excluding the time he or she did not work as a peace officer. The officer shall select one of the following data values:

2(A) Less than four years

(B) 4-10 years

(C) More than ten years

(15) “Type of Assignment of Officer” refers to the type of assignment to which an officer is assigned at the time of the stop. When reporting this data element, the officer shall select one of the following data values:

(A) Patrol

(B) Traffic

(C) Gang

(D) Special assignment

(E) Narcotics

(F) Vice

(G) Violence suppression/crime suppression

(H) K-12 public school setting

(I) Other. If other is selected, then the officer shall specify the type of assignment.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

#### **Article 4. Reporting Requirements**

##### **11 CCR § 999.227**

###### **(a) General Reporting Requirements.**

(1) Peace officers subject to the reporting requirements of this chapter shall submit the data elements described in Article 3 for every person stopped by the officer, except as provided in subdivisions (b) and (c) of this section.

(2) The data elements described in Article 3 are the minimum that a reporting agency shall collect and report. Nothing in this section prohibits an agency from voluntarily collecting additional data.

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 Number: 1 Author: jackglaser Subject: Highlight Date: 1/6/2017 12:00:57 PM

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 Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 11:02:54 AM

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I strongly urge that this be converted to an open field requesting years rounded to the nearest integer. This will be easy for officers (no need to estimate) and it will be far more useful. It will be critical, for example to distinguish between officers with 1 year and officers with 3 or 4 years, or between officers with 11 years and officers with 20 years. Also, data analyses are generally better with continuous (as opposed to categorical) variables. This will allow for much better statistical control. For small departments, where there is risk of identifying officers based on years on force, this could be redacted.

(3) Nothing in this section prohibits an agency not subject to Government Code section 12525.5 from submitting stop data voluntarily to the Department.

(4) When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding is the primary agency. If there is uncertainty as to the primary agency, then the agencies shall agree on which agency is the primary agency for reporting purposes.

(5) If more than one peace officer of a reporting agency conducts a stop of a person, then only one officer shall collect and report the information required to be reported in this chapter. The officer who had the highest level of engagement with the person stopped shall submit the report. <sup>1</sup>When this is unclear, officers shall exercise their discretion in determining which officer shall submit the report.

(6) If multiple persons are stopped, as defined in this chapter, during one incident, then a stop data form shall be submitted for each person, except that passengers in a vehicle that is stopped shall be reported only as set forth in subdivision (b) of this section.

(7) Nothing prohibits agencies subject to Government Code section 12525.5 from providing information to the Department earlier than the deadlines set forth by Government Code section 12525.5, subdivision (a).

(8) In determining when to comply with the reporting requirement of Government Code section 12525.5, subdivision (a)(2), a reporting agency shall count the number of peace officers it employs that are subject to the data collection requirements set forth in section 999.225 of this chapter.

(9) Stop data shall be completed and submitted to the reporting officer's agency by the end of the officer's shift.

(10) A reporting agency, its officers, or both may revise stop data submitted to the reporting agency prior to submitting the data to the Department for up to 96 hours after the officer initially submits the data to the reporting agency. However, once the data is submitted to the Department, an agency is not permitted to revise the data, even if the agency submits the data within 96 hours or receiving the data from the officer.

(11) Reporting agencies shall create a unique identifier for each officer required to report stops under these regulations. The officer's unique identifier shall be included in each stop report submitted to the Department. Stop reports submitted to the Department shall not include the officer's name or badge number; however, each reporting agency shall maintain a system to match an individual officer to his or her stop data <sup>2</sup>or internal agency use.

(b) Reporting Requirements for Passengers in Vehicle Stops.

(1) Peace officers shall not submit the data elements described in Article 3 for passengers in vehicles subject to a stop unless either of the following applies:

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 Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 11:34:32 AM

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I think this may be unnecessary and imprudent. It is implicit in the previous clause that when they are unsure who had highest level of engagement they'll have to figure it out. This clause, as phrased, allows them to use some other, potentially arbitrary, criterion, such as seniority.

 Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 11:37:55 AM

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Only? Not for merging officer demographic data with stop data?

1. Suspected violation of school policy

(E) “Result of Stop.” When reporting this data element, if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values in Article 3, the officer shall select the following data values if applicable:

1. Referral to school administrator
2. Referral to school counselor or other support staff
3. Referral to non-school agency or organization (e.g., mental health service provider)

Note: Authority: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

**Article 5. Technical Specifications and Uniform Reporting Practices**

**11 CCR § 999.228**

(a) Automated System. The system developed by the Department will require the automated submission of data from local law enforcement agencies.

(b) Submission of Data. There will be a menu of options for agencies to submit their stop data to the Department: (1) a web-browser based application, which will include mobile capabilities for agencies that choose to use the Department’s developed and hosted solution to submit stop data; (2) a local-deployable Department developed browser-based application to enable agencies to collect stop data locally and then submit to the Department; and (3) agency-specific modern systems developed by agencies to collect data, which will have the ability to transfer data locally collected to the Department’s system via a system-to-system web service call or secured file transfer.

(c) At a minimum, agencies shall submit the stop data required by this chapter annually to the Department.

(1) Nothing in this section prohibits an agency from submitting this data <sup>1</sup>more frequently than quarterly. Due to the volume of the data, it is recommended that an agency submit stop data on a monthly or quarterly basis. The Department shall accept data submitted on a more frequent basis, including data submitted daily.

(2) Law enforcement agencies shall redact any personally identifiable information with respect to the person stopped and officer, except for the Officer’s Unique Identifier, prior to transmission of stop data to the Department.

(d) System Security. The Department’s system will be designed to be easily accessible for authorized users, confidential, and accurate. The system will provide role-based authorization services. Law enforcement agencies will be required to authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release.

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 Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 4:01:42 PM

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Statement above (c) says required annually, so why this reference to quarterly?

(e) Data Standards. The Department may publish data standards and a data dictionary to ensure uniform and complete reporting of stop data. These documents will define each required data element and acceptable data values. These data standards shall be consistent with the definitions and technical specifications set forth in this chapter.

(f) Data Publication. The Department will release stop data on the Department's OpenJustice website. This data will include disaggregated statistical data for each reporting agency as required under Penal Code section 13519.4, subdivision (j)(3)(E). <sup>1</sup>The Department will not release the Officer's Unique Identifier to the public because doing so could lead to the disclosure of the peace officer's badge number, identity, and other unique identifying information.

(g) Retention Period. The Department shall retain the stop data collected indefinitely. <sup>2</sup>Each reporting agency shall keep a record of its source data for a minimum of five years, and shall make this data available for inspection by the Department should any issues arise regarding the transfer of data to the Department.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

## **Article 6. Audits and Validation**

### **11 CCR § 999.229**

(a) The Department will keep an audit log of incoming and outgoing transactions for each agency's submission of stop data. The Department will retain this audit log for a minimum of three years.

(b) The Department will perform data validation on stop data submitted to ensure data integrity and quality assurance. Agencies will be responsible for correcting any errors in the data submission process, prior to submission of data to the Department

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

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 Number: 1 Author: jack-mac Subject: Highlight Date: 1/27/2017 4:03:47 PM

Why is that? Only agencies will have key linking UID to badge number. Could a different identifier be added so that those using the data can look for officer-level effects.

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 Number: 2 Author: jack-mac Subject: Highlight Date: 1/27/2017 4:07:31 PM

Can it be added that "Agencies should store their stop data separately from the key linking UID with badge number."



## LAKE COUNTY SHERIFF'S OFFICE

1220 Martin Street • P.O. Box 489 • Lakeport, California 95453

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<b>Administration</b> (707) 262-4200	<b>Central Dispatch</b> (707) 263-2690	<b>Coroner</b> (707) 262-4215	<b>Corrections</b> (707) 262-4240	<b>Patrol/Investigation</b> (707) 262-4200	<b>Substation</b> (707) 994-6433
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**Brian L. Martin**  
Sheriff / Coroner

January 26, 2017

Catherine Z. Ysrael, Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Email: AB953@doj.ca.gov

Dear Ms. Ysrael:

As the Racial and Identity Profiling Advisory (RIPA) Board continues its work to implement the stop data collection portions of Assembly Bill 953 (Chapter 466, Statutes of 2015), please consider my comments on the pending regulations designed to implement AB 953.

### **Reporting of Officer Characteristics**

As law enforcement organizations have pointed out for months, I have significant concerns about mandating the collection of length of service and duty assignment data from peace officers as part of AB 953 compliance. Though I am grateful that the regulations do NOT require the collection of the officer's age, race, and gender, the regulations will almost assuredly result in the identification of specific officers in connection with particular interactions despite AB 953's statutory requirement that badge number or other unique identifying information of the peace officer not be made public.

Simply put, identifying officers endangers them physically and exposes them to liability. For agencies the size of mine, which have only a couple dozen officers or deputy sheriffs, identifying them with the required descriptive information will be quite easy.

Further, the specification that agencies shall redact any personally identifiable information prior to transmitting the data is likely not enough to protect this information from reaching the public. While I would argue that duty assignment and length of service could be considered "personally identifiable information," the regulation is less than clear on whether an agency could or should redact those particular data, and when and how they should redact them if appropriate. Additionally, I believe interested parties will be remain able to obtain these data via court discovery (criminal and civil), even if redacted from the reports.

### **Additional Data Elements**

AB 953 requires the collection of a significant amount of data. The proposed implementing regulations seek to add numerous observations and data points to be gathered far beyond what the letter of the statute requires.

The regulations require the collection of the following observations or data points, despite the fact that the statute itself requires the collection of none of these things: the duration of a stop; the type of stop (vehicle, non-vehicle, or bicycle); whether the stop took place in a K-12 public school setting; the reason for the officer's presence at the scene of the stop; whether any of the following actions were taken by the officer at the stop: person removed from vehicle, field sobriety check, curbside detention, handcuffed, patrol car detention, use of canine in apprehension, weapon removed from holster or brandished, weapon discharged or used, and other use of force; whether the person stopped had limited English fluency or a pronounced accent; whether the person stopped had a known or perceived disability; the officer's years of experience; and the officer's type of assignment. Additionally, the regulations

require all of the stop data, those both required by statute and additionally required by the regulations, to be completed and submitted to the reporting officer's agency by the end of the officer's shift.

In this regard, the regulations will necessarily increase the duration of interactions between peace officers and the public, thereby taxing law enforcement resources that have already been spread thin. Doing so also keeps peace officers from responding to other calls and conducting routine patrols while simultaneously exposing them to more risk by keeping them in potentially dangerous situations for longer periods of time (e.g. on the side of a busy roadway). The time that will be taken to comply with the gathering and reporting of these observations and data will severely impact law enforcement's capability to undertake proactive policing and will put our communities in peril.

### **Related Issues**

As noted above, AB 953 and the implementing regulations will create significant increases in workload for law enforcement agencies. In addition to the concerns I have listed regarding officer privacy and safety, as well as the drain on officer time, these additional duties will saddle my office with massive training and technology costs for which no funds are provided by the state. As the materials accompanying the regulations note, costs to local and state government to implement AB 953 will be no less than \$81 million in one-time costs. This does not include ongoing costs to our agencies and likely does not contemplate the additional data requirements imposed by the regulations. In terms of funding, at the present time, my only recourse will be to utilize the lengthy and burdensome state mandate process to attempt to recoup the massive costs imposed upon my agency by AB 953 and its implementing regulations.

### **Conclusion**

I implore you to consider these concerns, which are based on the desire to protect officer safety and privacy and ensure economy of law enforcement resources, and reject the troublesome concepts highlighted by this letter. The requirements of AB 953 are significant and onerous, even without the augmentations currently being considered. I urge the Department of Justice and the RIPA Board to be cautious in adding to the overly burdensome requirements already in place. There is no place for racial bias in policing, but the collection of the additional data elements described above will only endanger officers further. Thank you for your attention to these matters.

Sincerely,

*Brian L. Martin*

Sheriff-Coroner  
County of Lake

cc: The Honorable Edmund G. Brown, Jr.  
All Members of the Racial and Identity Profiling Advisory Board  
Diane Cummins, Department of Finance

[82] Karen Glover 1.27.17 (2)\_Redacted.pdf

 Email

From: Karen S. Glover  
To: AB953  
Subject: Comment Regarding Proposed Regulations

Sent: 1/27/2017 6:23:16 AM




State of California Department of Justice  
Xavier Becerra ~ Attorney General

Social Networks

January 27, 2017



### Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 6:23am

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Karen S. Glover

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

I am a professor at CSUSM who studies racial profiling specifically. We have collected data on traffic stops for a couple of decades now and the tendency with that data, and its analysis, is that it is minimized. When the data show substantive racial disparity in traffic stops, the tendency is that the disparity gets treated as "anything but racism."

You need to go further with this legislation by incorporating action into the law that deals with accountability. If racial disparity is found (it will be), it must be dealt with immediately - for example, at 3, 6, and yearly intervals for the following 10 years. If the incidence of disparity does not immediately show decline, accountability in the form of job security and funding (fed, state, local) must be substantively enacted in high profile ways. We need to get beyond collecting data -- we need to deal with the disparity in and of itself, and have a separate -- equally as important -- conversation about what drives the disparity. I am available to be any type of resource for you on this -- I will bold and say that I have more knowledge about racial profiling studies than most folks. Please take me up on my offer. This is my life's work.

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[83] Skyler Porras 1.27.17\_Redacted.pdf

 Email

From: Skyler Porras  
To: AB953  
Subject: Comment Regarding Proposed Regulations

Sent: 1/27/2017 2:10:17 PM



Social Networks

January 27, 2017



### Comment Regarding Proposed Regulations

Submitted on Friday, January 27, 2017 - 2:10pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Email: [REDACTED]

Name: Skyler Porras

Comments/Suggestions: May be provided in the text box below or uploaded as an attachment.

To Whom It May Concern:

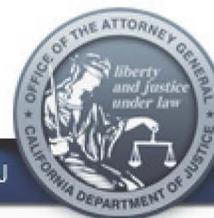
This effort is critical for the safety and security of all Californians and to assist law enforcement in building healthy relationships with all of our communities, so I first want to thank all of the various staff and volunteers who contributed along the way.

I am hopeful that these proposed regulations will be enacted and also just the first of several steps. As best practices around transparency and accountability of our law enforcement agencies continue to evolve around the country I believe California should strive to be a leader in this movement. For example, ensuring that agencies are capturing not only demographic data, but also narratives that provide actual context for review.

The proposed regulations as currently drafted, while not as strong as they could have been, are nevertheless progress and I appreciate the work that has been done.

Thank you for your time and attention to this issue.

Kindest Regards,  
Skyler Porras  
95306  
File



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Z-2016-1129-03-01681

**From:** Jungwirth, Emma [<mailto:Emma.Jungwirth@dof.ca.gov>]  
**Sent:** Tuesday, December 27, 2016 2:40 PM  
**To:** Melan Noble  
**Cc:** MajorRegulations  
**Subject:** 399 Racial Identity Profiling Act

Dear Melan,

We are currently reviewing the documentation and the 399 related to the Racial Identity Profiling Act Regulations. Although this regulation is implementing the mandate given by the AB 953, the proposed regulation is also setting additional reporting data requirements –Articles 5 and 6– that are not directly given by AB 953. These additional requirements imply technological and informational security requirements that have an impact on the cost of implementing an adequate data reporting system. Since the cost of implementing this regulation is estimated to be no less than \$81 million –ISOR, page 34–, this regulation will classify as a Major Regulation and a SRIA will be required.

We would like to clarify whether our reading of your regulation is correct. To successfully address this question, we would like you to:

1. Clarify if your estimated one time total cost is accrued within one calendar year. If not, please determine the corresponding expected cost schedule. As explained in your ISOR, not all enforcement agencies are expected to comply with the reports at the same time. Base on the size of the enforcement agency, the statute determined a time schedule for the reports. Is your cost structure expected to follow a similar pattern?
2. If possible, can you provide us with a breakdown of the \$81 million cost? (By concept and by year).
3. If possible, can you determine what would be the total magnitude of the ongoing costs related to personnel, training and maintenance?
4. Although difficult to measure, the submitted documentation does not include an analysis of the benefits implied by the regulation. What are they?

We look forward to hearing from you.

Best,

**Emma Jungwirth**

Staff Finance Budget Analyst

Department of Finance

Corrections and General Govt. Unit

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